



NÚCLEO  
DE ESTUDOS  
INTERDISCIPLINARES  
SOBRE A MULHER



## **Domestic Violence and Women's Access to Justice in Brazil**

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Salvador, Bahia, Brasil

2010

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## **Executive Summary**

### **Introduction**

This is a preliminary report of research on domestic violence and women's access to justice in Brazil conducted under the coordination of NEIM- the Nucleus of Interdisciplinary Women's Studies of the Federal University of Bahia, in partnership with OBSERVE-the Observatory for Monitoring the Application of Maria da Penha Law, and the Pathways of Women's Empowerment Research Program Consortium.

The study is intended to provide subsidies as a country case-study to UNIFEM's *Progress of the World's Women and Access to Justice Report*. It focuses primarily on specialized police stations for women in Brazil as a means of access to justice for women in situation of domestic violence.

### **Gender, Domestic Violence, and Access to Justice in Brazil**

***Access to Justice:*** The notion of “access to Justice” pertains to the exercise of fundamental rights based on a principle of equity, so as to guarantee the solution of conflicts according to each country's established proceedings. This entails both access to the judicial state apparatus as well as to a fair and just judicial sentence.

In Brazil, despite advancements towards more democratic perspectives in the “nature” of the laws, there is no equal access to justice. Precarious socioeconomic conditions and the biased structure and functioning of the Judiciary system combine so as to preclude full access to justice. In particular, the intersection with class of other matrices of domination at play in society, such as sexism, racism, homophobia, etc., create many obstacles to people's fair access to justice.

***Gender as a Factor in Access to Justice:*** Gender remains one of the major factors in creating unequal access to justice for women in regards to men, creating different kinds of gender conflicts that can end up in the courts, such that women and men will make different use of the law. The majority of complaints filed by women have to do with violence in the home perpetrated by present and formers husbands, partners, and boyfriends, and with maternal obligations—maintenance allowances, custody, visitation, and so on. Besides, when women do have 'access' to the judicial system, the patriarchal order at play subjects them to gender biases in the decisions of courts that interpret the law. This is particularly so in the case of domestic violence against women; in defence of the “family”, women are prevented from realizing their rights and thus of breaking with a situation of domestic violence.

**Violence Against Women:** Violence against women has been gaining worldwide attention, both as a form of discrimination as well as a violation of women’s human rights. In Brazil, until fairly recent, it remained “invisible” and even regarded as “normal”, an issue of the private domain. It was only from the 1970s onward, with the resurgence of feminist movements, that it began to be publicized and recognized as violence. Adequate legislation to confront violence against women, formulated on women’s behalf, has begun to be enforced only within the last four years, with the passage of Maria da Penha Law.

**Maria da Penha Law:** Sanctioned in August, 2006, Maria da Penha Law - LMP constitutes a historical mark in the 30-year long campaign headed by feminists to gain public recognition to violence against women. LMP is the only legislation in Brazil that treats specifically and more comprehensively the issue of domestic and family violence against women, guaranteeing women’s human rights and their access to justice. It brings important conceptual advancements by incorporating a gender perspective, and by enlarging the meaning of domestic and family violence against women to include any “action or omission based on gender that causes death, lesion, physical, sexual, or psychological suffering, or any moral or patrimonial damage.”

LMP also creates new roles and attributions to the police apparatus as well as to the judicial system; however, a number of obstacles - including precarious physical resources and non-trained officers and staff - have prevented women’s access to justice in terms of the full implementation of the Law. In particular, the fact that it is a federal Law, and thus of national scope, but depending on state and municipal organs and agencies to be properly implemented, has given rise to different local policies and practices that fall short of fulfilling their aims.

## **Police Stations for Women as Pathways of Access to Justice for Women**

**Creation:** First created in São Paulo in 1985 in response to campaigns led by feminist and women’s movements, Police Stations for Women – known as *Delegacias Especiais de Atendimento às Mulheres*, or by the acronym “DEAMs” – constituted the first initiative in public police to address domestic violence against women in Brazil. As new legislation has been enacted, their status and specific functions have changed; but DEAMs have gained even greater importance in the last four years with the enactment of Maria da Penha Law, which granted them a leading role in initiating legal proceedings.

**Regional Distribution:** Over the last 25 years, more than 450 such stations have been created all over Brazil, coming to a total of 475 precincts and special posts at last count. However, the distribution of units throughout the country is considerably uneven. Only 397 municipalities or counties have police stations for women, which corresponds to only 7% of all Brazilian counties. The greatest concentration of units is in the Southeast Region, where there are DEAMs in 192 counties (this figure corresponds to 11,5% of the total counties in the Region), with the greatest concentration in the State of São Paulo, with 129 DEAMs distributed over

120 counties. In the opposite end is the Northeast Region where only 65 municipalities have DEAMs, which corresponds to 3,6% of municipalities of the region. In considering the existing distribution, it can also be seen that the smaller the place, the less likely it will have a DEAM: 79,6% of those that have DEAMs have more than 50 thousand residents.

**Material Resources:** The first national survey of DEAMs, undertaken in the year 2000, showed most of these stations were operating in very poor conditions, without the needed equipment and institutional support. Follow up surveys conducted by SENASP – the National Secretariat for Public Safety in the following years (2004, 2005 and 2007) showed some improvement in these items, partly as a result of investments made by the Federal Government to better equip these police units. Our survey of DEAMs operating in state capitals in 2010, verified that the basic equipments and physical installations needed for smooth operations were present in more than 70% of them. However, installations were still precarious, and there was lack of space to give victims privacy, and shortage of minimum comfort items, such as clean bathrooms with toilet paper, water, water cups, and the like, important items in face of the long waiting hours faced by women in filing complaints.

**Working Hours and 24hr Shifts:** Our study showed that close to 65% of the DEAMs surveyed keep extended office hours, operating from 8 to 10 hours per day (usually from 8 am to 6 pm), from Monday through Friday. However, some close during lunch hours, limiting even more the number of hours that women can seek their services. The existence of 24 hours, round the clock shifts or “plantões” was verified in only 21 DEAMs (52.5%), 3 others only offering them on weekends. In the state capitals of the South Region, all 3 DEAMs work 24 hour shifts, whereas in the city of São Paulo, only the major unit offers round the clock services.

**Public Assisted:** All the units visited tend to women 18 to 59 yrs old, in those cities where there are other specialized police stations, such as those for Senior Citizens or for Youth and Children, the picture changes. Thus, we find that only 70% of the units visited in our survey tend to women 60 and older, and only 47,5% tend to young girls and female teenagers, even when Maria da Penha Law applies. Note, however, that 32.5% of DEAMs also take in children independent of their sex, and that the rules at play are often bended.

**Human Resources:** As to human resources available to assist the public, our survey showed great variation: from DEAMs operating with only 7 (seven) tenured state functionaries – as in the case of Palmas (capital of the state of Tocantins), to those in Belo Horizonte with 79, Brasília with 73, and Macapá with 72. However, the major concentration (30% of DEAMs) falls within 22 to 32 regular staff workers.

**Sex of Service Providers and Quality of Services:** Back in the mid-1980s, when the first DEAMs were created, it was prescribed that they be staffed by an all female police force. Although our study found that women constitute the majority of those working in DEAMs,

there is a trend towards a greater presence of police men than it was originally prescribed. Nevertheless, it is possible to affirm that the quality of the attention given to women who seek the assistance of DEAMs is not directly related to the sex of the police person who assists them. The differential comes from whether the police person in question has received appropriated training, knows the existing pertinent legislation on domestic violence and women's rights, and is sensitive to women's right to seek institutional help in putting an end to domestic violence. It is also important to have norms and protocols to assist the victims, independent of the police person's personal beliefs.

***Training and Quality of Services:*** The survey conducted by OBSERVE did not find a significant number of police staff that had received training on the issues at hand. Although adequate training of Police staff is a major demand of women's and feminist movements, DEAMs do not value this training in the same manner, not even in terms of keeping records regarding who, among those working in the premises, has in fact received the needed training to assist women in situation of violence. There is also little regard for computing information regarding the kind of courses offered and how they fared in terms of preferences in the specific DEAM.

***Institutional Incentives:*** The courses offered do not seem to have a significant impact in the local forces and in their services towards women. Lack of institutional policies to offer incentives for people who work in the DEAMs, vying improvements in the kind of assistance they offer, is a major factor. There are also no apparent efforts in that regard on the part of State Secretariats of Public Safety in allocating personnel to work in these units. On the contrary, DEAMs do not have prestige in the police force have become a "dumping space" for people waiting for retirement or for those who have "caused problems" elsewhere. Police culture also contributes to lack of interest in training: it is commonly agreed that the needed knowledge in police work is "acquired with practice", an attitude that contributes to the reproduction of discriminatory demeanors and postures towards the women who seek help, as well as to assisting them as being regarded as a mere bureaucratic task.

***DEAMs and Inter-Sectoral Services:*** The National Policy for Confronting Violence against Women introduced the concept of the network of specialized services, bringing the needed political, theoretical, and financial resources to articulate it. As a result, whereas in 2003 there were only 42 battered women's shelters, by 2009 this number came to 68. Likewise, in the same period, the number of Reference Centers for Women in Situation of Violence rose from 36 to 146, and the number of Defense Nucleus to Combat Violence Against Women, that gave women needed legal support, grew from 4 to 56. In 2003, there were no similar Prosecuting Nucleus; at present, there 19. And, since the sanctioning of Maria da Penha Law, 147 Special Courts for Domestic and Family Violence Against Women have been created.

However, these services are not commonly located near one another, to facilitate assistance to the women who needed, nor are they functionally well articulated. The different agencies that

provide them are often linked to different levels (municipal, state, federal) and branches of government (judiciary and executive, for example), a situation which creates obstacles in the way of the flow of people assisted and their corresponding complaint processes and needs around the network. This means that the existing network of agencies and services do not potentiate their human and material resources to offer an integral, faster, and better adjusted assistance to women in situation of violence. This also results in an accumulation of attributions and services on the DEAMs as women's major access to justice in the case of gender-based violence.

***DEAMs and Maria da Penha Law:*** The new attributions have resulted in the growth of the volume of work for police stations, particularly to DEAMs. Police is now called to act in two different immediate intervention fronts. On the one hand, in securing protective measures and providing other immediate assistance needed by the victims, and, on the other, in carrying out the police inquiry, giving it legal procedure. Another change introduced with Maria da Penha Law refers to the possibility of imprisonment of the abuser in “flagrant act” in cases of domestic and family violence against women, a procedure which was previously rarely employed by DEAMs. Nevertheless, the resources needed for them to fulfill the new tasks and attributions are still lacking.

***DEAMs and credibility:*** Despite the numerical shortages, lack of material resources, and poor qualification of the human resources available, DEAMs have attained great social visibility. Opinion surveys carried out throughout the country within the last years have demonstrated the social recognition and popularity they have gained. One of the strongest points in support of DEAMs is the degree of credibility that they have built among the population at large and among the women who use their services, which can only result from the important contribution of these police units to give visibility to the problem of violence against women in Brazilian society.

## **Women Who Seek DEAMs**

***The Study:*** In order to learn of women's experiences in dealing with DEAMs as an access to justice, OBSERVE conducted a study of 231 women residents in nine Brazilian state capitals as follows: in Manaus (in Amazonas) and Boa Vista (Roraima), totalling 50 in the Northern Region; São Luis (Maranhão), Teresina (Piauí) and Salvador (Bahia) for a total of 75 in the Northeast; 25 in Campo Grande (Mato Grosso do Sul) in the Mid-West; 30 in São Paulo (São Paulo) and 26 in Belo Horizonte (Minas Gerais), totalling 56 in the Southeast; and Porto Alegre (Rio Grande do Sul), for a total of 50 women in the South. The study consisted of interviews conducted between June 10- 29, 2010, at different times of the day, with women who had just left the DEAMs and agreed to participate in the study.

***Profile of the Women Interviewed:*** The age of the women and girls included in the sample ranged from 12 -80 yrs old, the largest group (39%) falling within the 30-39 yrs old age bracket. The majority – 56.8%- are non-white (black, racially mixed, and Brazilian Indians),

although white women represented the largest individual group. Single women represented 49.4%, the next largest group being of married women; 88.7% informed having children (more than half only one child). Among the respondents, 46.3% had, at the most, an elementary education level, 30.6% the equivalent to a High School education, 9,6% university level and 4.8% were still university students. Nearly 70% are employed or are engaged in remunerated activities, indicating that they are not economically dependent on their partners or spouses. Although the majority of the women come from the less privileged segments, there are indications, through our sample, that women from the middle and upper classes are also seeking assistance from DEAMs.

***The Situation of Violence Experienced:*** 59.3% of the women interviewed were seeking the DEAMs for the first time, while 40.7% had already been there before to file other complaints, usually against the same offender. Some of the women reported long-lasting abusive relationships, from which they had finally decided to break with. Close to 92% of the abusers were in some type of close relationship with the victim, more than 85% figuring as either present or ex-husbands, partners, or boyfriends. Among the types of violence they reported prevailed bodily injury (26%), often experienced with other kinds of violence, usually psychological (15.4%), or moral (16.7%).

***Seeking Justice:*** Approximately 40% of the women sought justice going to the police immediately after being assaulted (56 women went immediately to the police station and 35 one to three days after the event). Nearly all affirmed to have acted on their own in making the decision to file a complaint, although prompting by relatives, friends, and neighbours was also important. For close to 25%, however, the decision to address the DEAM took a long time, some of them more than 10 years of living in a relationship in which they experience constant violent acts. For them, the pursuit of justice is the last chance to escape this situation, after having exhausted all the possibilities and hope nurtured over the years, waiting for the partner to change. For both groups of women, however, the DEAM came as the first choice in seeking justice.

***Expectations in Relation to DEAMs:*** Women deposit great hope on solving their problem in the DEAMs, either through the impact of the denunciation on the offender, or by his condemnation and imprisonment. There is still a strong belief that the authority invested in the person of the police chief, the “delegada,” can put an end to the cycle of violence in which they live, by “scaring” off the offender from further abuse. Women also expect DEAMs to give them immediate protection, nearly 40% of the women interviewed having asked for protective measures.

***Care, Guidance and Information Received:*** Women regard DEAMs as being different from other police stations for their supposed welcoming environment and fairness to women. However, nearly 30.0% of the respondents did not feel welcomed in filing the complaints, citing the long time spent waiting to be assisted as an example of disdain on the part of the police. They received little guidance and information: 26.8% were given no information at all



regarding the proceedings - these percentages being even higher in the Northeast (34.7%), and reaching 56.0% of the respondents in the city of Salvador, Bahia. The percentages of women who also did not receive any other referrals to agencies in the network of services was also considerable: 42.4% for the total sample, 50.7% for the Northeast Region, and 60.0% in the city of Salvador. The great majority of the women expressed disappointment and concern for not getting immediate responses, some fearing for their lives.

***Perceptions on Maria da Penha Law:*** Maria da Penha Law was created four years ago, but despite the initiatives of the federal government to make it accessible to the population, only relatively few of the women in our study – 33.8% - know the rights guaranteed by the law and, even those who have some notion, it only relates to protective measures. These percentages are even lower in certain cities such as Salvador, in the Northeast, where only 16% of the respondents affirmed knowing how the new legislation operates. Just the fact that "they heard" of a law that protects women from violence produces changes in the female population, ie women feel safer to report the offender. However, the increased number of complaints still seems motivated by the hope of these women that their partners would be frightened and change their behaviour. Thus, going to the DEAM does not necessarily mean the desire to break the relationship with the abuser, but find a way to contain the violence.

## **Conclusions**

From a general perspective, we may affirm that police practices in Brazil still reproduce gender inequalities and contribute to discrimination against women in their access to justice and exercise of citizenship rights. Nonetheless, there are many positive elements in the history of DEAMs that should not be forgotten, as they represent the first great achievement of feminist and women`s movements in the country towards universalizing women`s rights to a life without violence.

In addition, DEAMs are only the "entryway" to the Criminal Justice system. The more solid the contribution of DEAMs, more pressure will they be able to exert over the other organs of the system towards the recognition and realization of women`s rights. As such, it is not enough to transform just the DEAMS; the entire network of the Criminal Justice system must be re-organized regarding the way in which it treats gender-based violence.

DEAMs can contribute through the execution of police proceedings of higher quality, particularly in developing thorough police inquiries and petitions for protective measures. This would require better training of the police force as well as changes in institutional practices.

However, domestic and family violence against women present a high degree of complexity; applying only measures of a repressive and penal character is not sufficient to guarantee the eradication of violence in our society. For women who live in a situation of violence, access

to formal justice and the subsequent responsabilization of their abusers is only part of the responses they hope to obtain. The formulation of inter-sectoral and integrated policies is essential in responding to these women. Likewise, women should have access to information regarding their rights so that, by gaining this knowledge and drawing plans to escape violence, they can develop empowering strategies.

## **Recommendations**

1. Elaborate materials to expand and improve the dissemination of information about the available services, women's rights, and the different aspects of Maria da Penha Law in a more simple language;
2. Distribute these materials widely through agencies in the network of services, as well as in schools, hospitals, community health clinics, churches, etc.
3. Promote information campaigns through the media;
4. Promote workshops of continued training to police officers, deputies and clerks, as well to personnel and professionals in other network agencies, focusing especially on those who have more direct contact with women who seek assistance;
5. Promote training workshops for police officers, deputies and clerks on the new Technical Norms to DEAMs, and in the procedures for the effective application of Maria da Penha Law;
6. Promote career re-structuring in the police force, offering special incentives for participation in training courses and workshops in the area of human rights with concentration on women's rights;
7. Introduce obligatory courses on women's rights and Maria da Penha Law in curriculum of Law Schools and Police Academies;
8. Promote the effective articulation of professionals and agencies that constitute the network of services to women in situation of violence, through the creation of committees and study groups;
9. Promote the development of a "culture of accountability" in these services and agencies, developing and patterning instruments of systematic data collection;
10. Promote and support initiatives from other governmental and non-governmental organizations in researching and monitoring the implementation and application of Maria da Penha Law.

## Acknowledgements

This report is a collaborative effort in many ways: Wânia Pasinato undertook the research and elaborated most of Chapter III; Márcia Gomes and Márcia Tavares coordinated the research on women who seek justice and elaborated Chapter IV; Cecilia Sardenberg brought everything together and translated the materials with the collaboration of Lea Santana Menezes. It also depended on the collaboration and support of a number of different people and agencies. We would like to thank, in particular:

- UNIFEM;
- SPM, The Secretariat of Public Policies for Women of the Brazilian Government;
- The Pathways of Women's Empowerment Research Programme Consortium and, through it, DFID;
- Our colleagues, interns, and administrative staff at NEIM- the Nucleus of Interdisciplinary Studies on Women of the Federal University of Bahia, Brazil (UFBA);
- Our colleagues, institutions and networks in the Consortium that sustains OBSERVE;
- All the local researchers who conducted the surveys throughout Brazil, namely: Camila de Sousa Menezes, Cândida Ribeiro Santos, Caroline Santos Maranhão, Iana dos Santos Vasconcelos, Isadora Brandão, Mara Lucia da Silva, Márcia Maria de Oliveira, Rita de Cássia Cronemberger Sobral, Valéria Mont' Serrat Martins;
- Our interns at OBSERVE, for computing all the data: Fabiana Rocha, Monica Rocha, and Sheila Rodriguez;
- Lea Santana Menezes for her collaboration translating Chapter IV of this report,
- and, in special, all the women interviewed and people in DEAMs who agreed to participate in the surveys.

This work is dedicated to all women in Brazil who find themselves in a situation of domestic violence. May it help them in escaping from it!

National Coordination – OBSERVE  
Salvador, Bahia, Brazil, August 2010

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## I. Introduction

This is a preliminary report of research on domestic violence and women's access to justice in Brazil conducted under the coordination of NEIM- the Nucleus of Interdisciplinary Women's Studies of the Federal University of Bahia, in partnership with OBSERVE-the Observatory for Monitoring the Application of Maria da Penha Law, and the Pathways of Women's Empowerment Research Program Consortium. The study is intended to provide subsidies as a country case-study to UNIFEM's *Progress of the World's Women and Access to Justice Report*. It focuses primarily on specialized police stations for women in Brazil as a means of access to justice for women in situation of domestic violence.

First created in São Paulo in 1985 and ideally staffed by police women, these police stations or precincts – generally referred to as *Delegacias Especiais de Atendimento às Mulheres*, or by the acronym “DEAMs” – constituted the first initiative in public police to address domestic violence against women in Brazil. They represent a “pioneering invention that afterwards expanded to other cities and other Latin American countries” (Debert 2006:40).

Indeed, over the last 25 years, more than 450 such stations have been created all over Brazil, coming to a total of 475 precincts and special posts at last count (BRASIL, SPM 2010). Over the years, as new legislation has been enacted, their status and specific functions have changed (Bonetti and Pinheiro 2009). Nonetheless, they have remained as the most sought after service for women who suffer gender based violence in Brazil, standing as the major portal of women's access to justice in a situation of domestic violence (Jordão 2006, Bonetti, Pinheiro, and Ferreira 2008). Not surprisingly, throughout the years, these special police stations have been the object of several studies and evaluations, being often criticized for falling short of effectively fulfilling their expected role (Machado 2002, Debert 2006, Aquino 2006, Izumino and Santos 2005, Gomes et al 2009).

The criticisms and complaints about DEAMs have risen particularly since 2006, when Law No. 11.340/2006, better known as “Lei Maria da Penha” (LMP) or “Maria da Penha Law”, a major instrument to combat domestic violence in Brazil, was enacted (Bonetti, Pinheiro, and Ferreira 2008). Product of a consortium of feminist NGOs, with the support of governmental agencies, it consists of a comprehensive legislation package that responds to the stipulations of the First and Second National Plans for Public Policies for Women formulated by the Federal Government, and to more than 30 years of feminist struggles towards effective means to combat and prevent domestic violence against women.

The new law recognizes different forms of violence - i.e. physical, psychological, sexual, moral, and patrimonial - defining not only punitive measures against aggressors, but also much needed protective and assistance measures in tending to the victims, as well as important preventive measures at large. It also involves the creation of special courts in all the 26 states and in the federal district (Brasília), as well as the combined actions, in each city, of the Federal (SENASP) and State Secretariats of Public Safety (responsible for Police Stations and Coroner's Offices), Public Health Agencies (hospitals, and clinics), Referral Centres (triage centres), Battered Women's Shelters, and Labour Offices (for training and placement of battered women), among others, in addition to the Judiciary System. More importantly, as shall be seen in this study, it defines new roles and tasks for DEAMs, nearly doubling the demands placed on them and the need for a well trained staff (Bonetti and Pinheiro 2009).

According to the Secretariat of Public Policies for Women, since the creation in 2006 of the "Central de Atendimento à Mulher - Ligue 180", the National Hotline sponsored by Federal Government to tend to the public on issues concerning Violence Against Women, the number of calls have been rising consistently. Between January and June, 2009, for instance, there was an increase of 32,36% for the same period in 2008, whereas between 2009 and 2010, this increase amounted to 112%. Until June, 2010, SPM registered 343.063 calls, against 161.774 in 2009. Among the calls received during the first semester of 2010, nearly 1/5 were reports of violent acts. However, a similar proportion of the calls were made to register complaints about DEAMs and other public services tending to women in situation of violence (SPM – 2010).

Despite the clear advancements in combating domestic violence, however, a number of problems have frustrated the implementation of Maria da Penha Law. In addition to considerable resistance from all directions, the fact that it is a federal Law, and thus of national scope, but depending on state and municipal organs and agencies to be properly implemented, has given rise to different local policies and practices that fall short of fulfilling their aims. Evidence to this problem is the fact that, according to the Brazilian National Justice Council, of the 75.829 processes of violence against women initiated during the period of July to November of 2008, only 1.801 resulted in successful condemnations of abusers, that is to say, less than 3%.<sup>1</sup>

Aware of these drawbacks in the implementation and application of Maria da Penha Law, the Secretariat of Public Policies for Women- SPM has been firming the "National Pact for Combating Violence Against Women" (*Pacto Nacional pelo Enfrentamento à Violência*

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<sup>1</sup> It is not known if this would be a result of "case attrition", that is, of the process by which only a portion of offenses reported to the police are eventually dealt with through criminal prosecution, due to selection at different points of the process of only those cases worthy of official attention. Research regarding Maria da Penha Law processes through the Judiciary System is needed before the funnelling of complaint processes through legal channels can be attributed to "attrition".

*Contra a Mulher*) with State governments throughout the country, with the objective of consolidating the National Policy for Combating Violence Against Women.<sup>2</sup> SPM has also promoted the articulation of consortia to monitor the implementation of Maria da Penha Law throughout the 26 states, by means of a public tender.

OBSERVE – the Observatory for Monitoring the Implementation of Maria da Penha Law, headquartered at and coordinated by NEIM/UFBA, was created by the winning Consortium.<sup>3</sup> It conducted a preliminary research in 6 city capitals, which revealed that after four years of the passage of the new legislation, only few strides have been made towards its implementation according to what the bill states, with the greatest obstacles to be found in the creation of the needed courts (Gomes et al 2009). These observations were confirmed by the study recently conducted by OBSERVE in all state capitals computing information on Police Stations for Battered Women and on Domestic Violence Courts. With the support with a local UNIFEM grant, it is also conducting a study of the network of state services to battered women in 4 state capitals (Salvador, Belém, Porto Alegre, and Rio de Janeiro) and Brasília, the Federal District.

Our preliminary data concurs with other available studies in showing that DEAMs remain as the major resource sought by women in seeking justice in face of domestic violence (Gomes et al 2009). However, despite the existence of important data-basis regarding this service, as well as a number of case-studies throughout Brazil conducted in DEAMs, there is no comparative systematized information regarding assessment of these services from the

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<sup>2</sup> This Policy package includes not only the implementation of Maria da Penha Law, but also the promotion of women's sexual and reproductive rights, the combat against the feminization of AIDS and other Sexually Transmitted Diseases (STDs), combat against sexual exploitation and the traffic on women, and the promotion of human rights of incarcerated women.

<sup>3</sup> The Consortium responsible for OBSERVE was created in 2007 and includes the following institutions, organizations and networks: NEIM/Federal University of Bahia, responsible for the National Coordination and the Northeast Regional Coordination; AGENDE, feminist NGO responsible for the Midwest Regional Coordination, GEPEN-Federal University of Para, North Regional Coordination; CEPIA, a feminist NGO responsible for the Southeast Regional Coordination, and Coletivo Feminino Plural, responsible for the South Regional Coordination. Other members of the Consortium include: THEMIS, a feminist NGO headquartered in Porto Alegre, NEPP-DH, the Nucleus of Studies on Public Policies for Human Rights of the Federal University of Rio de Janeiro, NIEM, the Interdisciplinary Nucleus for Women's and Gender Studies of the Federal University of Rio Grande do Sul, NEPEM, the Nucleus of Research and Studies on Women and Gender of the University of Brasilia. Three feminist networks are partners of the Consortium: REDOR, the Northeast Region Feminist Studies Network, CLADEM, Committee of Latin America and the Caribbean for the Defence of Women's Rights, and REDE SAÚDE, the Feminist Network for Women's Health. All Consortium members act as executors of project activities whereas the partner networks will act as support organizations for the development of project activities in the different states. During the past two years, the Consortium has reported to SPM, our main financial supporting agency. Consortium member institutions and organizations have also worked closely with government organs and agencies at the municipal, state and federal levels.



perspective of women who seek them, particularly insofar as the changes brought about with the passage of Maria da Penha Law. For this report, we have drawn on existing data-basis, including from our previous surveys and studies, as well as from original research to investigate and analyse the DEAMs from the perspective of women throughout Brazil who seek justice in light of the provisions of Maria da Penha Law.

In conducting this study, we draw from a similar investigation conducted in the city of Belo Horizonte by Dr. Wânia Pasinato (2010), and address the following questions:

- What do women and those engaged in providing services to them in DEAMs understand by ‘access to justice’ in face of domestic violence?
- How do women regard Maria da Penha Law in this regard?
- What are the resources, institutional or otherwise, that women recur to in seeking justice in the case of domestic violence?
- What kind of strategies, support or skills facilitate women’s access to these resources and/or services?
- What kind of responses women receive in this process, particularly from DEAMs?
- How do the women evaluate these responses, and what an impact do they have in their lives in bringing a solution to the situation of violence they experience?
- What are the gaps and/or obstacles that women perceive in these services/resources, DEAMs in particular, in offering solutions to the problems they face?

To better present our results, we have organized this report in three major sections, in addition to this introduction and to a conclusion. The first section deals with the notion of “access to justice” and how gender plays an important part in this process, arguing that women’s access to justice has only made major strides with the struggles led by feminist and women’s movements. It then recapitulates the major strides to confront violence against women in Brazil, focusing next on Maria da Penha Law and its implications for the functioning of DEAMs in providing women with access to justice. Section two centers on a more detailed discussion of DEAMs as a pathway of women’s access to justice in Brazil, drawing on existing studies and on the results of research conducted by OBSERVE in all state capitals and in the federal district. The third section discusses the results of the study conducted in nine (9) of Brazil’s major cities with women who seek the support services of DEAMs, reflecting upon their experiences and perceptions of the services provided. Finally, we bring our concluding considerations, which include recognition of “good practices” and initiatives at work, and recommendations as to the processes of implementation and of monitoring of the new legislation, in regards to women’s access to justice.

## II. Gender, Domestic Violence, and Access to Justice in Brazil

In contemporary modern democracies, it is expected that "all people who consider that their rights have been violated with respect to their persons, property or economic activities should be able to enforce those rights before a tribunal" (Truche 2001:3). In this sense, access to justice is in itself recognized internationally as a basic human right. However, it is also widely recognized that this is a complex issue that demands closer examination. For instance, it is always necessary to ask if we are talking about access to the judicial state apparatus or to a fair and just judicial sentence. These concepts are often interrelated, but it is important to distinguish them, as equal access to the justice apparatus does not necessarily guarantee fair judicial sentences (Massula 2006).

Likewise, the concepts of "access" and of "justice" have different meanings each, which create greater confusion when putting the two together as in "access to justice". The notion of 'access', for example, may entail merely "contact" (as when we think of person 'A' having access to person 'B'), but it may also refer to right of entry or right to use. In dealing with people's 'access to justice', however, it is important to work with a more comprehensive perspective, considering all these different connotations, that is, not only "contact", but also "entry to" and "use of" the judiciary apparatus. In this respect, access may be thought of in terms of three different aspects: (1) physical access, which pertains to how close the users are to legal services and law enforcement agencies; (2) financial access, which deals with the affordability of these services and agencies to users; and (3) access to technical terms and the culture of the law, which refers to users understanding of legal language, procedures, and the structure of the judicial apparatus.

Of course, "justice" is more than the judiciary apparatus. But, as Leticia Massula (2006:140) rightly observes, the concept of justice itself is "abstract", undefined: what may be understood by justice is not the same for everybody. As she notes: "the context in which a person is inserted can interfere significantly in the way "fairness" is understood". But, as she continues, if it is impossible for the Judiciary system to tend to individual's desire for justice, it must have minimal parameters to guarantee to all claimers equal treatment in the judiciary apparatus, such that their access gets progressively closer to fairness in justice. This entails a "substantive" aspect of the legal system, pertaining to the nature of existing laws, as well as a "qualitative" one, which refers to the way the laws are administered. This includes the issue of fair and just treatment to all different social segments. In this respect, Massula cites Flor de Maria Meza and Marta Scapitta in affirming that *access to justice should then be thought as the exercise of fundamental rights based on a principle of equity, so as to guarantee the solution of conflicts according to each country's established proceedings* (2006:140-141).

In countries of Latin America, despite the registered advancements towards more democratic perspectives as to the “nature” of the laws, the majority of the population encounters all sorts of obstacles in having their rights guaranteed. Precarious socioeconomic conditions and the biased structure and functioning of the Judiciary system combine so as to preclude full access to justice. In Brazil, the Federal Constitution approved in 1988 guarantees equal rights to all citizens independent of sex, race, class, age, etc. Article 5, paragraph XXXV, establishes the right to any citizen to have juridical response to a conflict, whereas paragraph LXXIV, of the same article, reinforces this right, by affirming that the State will give free and integral juridical assistance to all of those who prove lack of financial resources. Despite these constitutional rights, large segments of the population cannot realize these rights because there is shortage of public defenders to assist the needier citizens.

A number of different factors may be said to operate as obstacles to people’s access to justice, as follows: (1) lack of knowledge on the part of the population regarding their rights in existing laws; (2) lack of faith in the workings of the Judiciary system; (3) slowness in legal resolution of conflicts, leading people to choose conciliatory means instead; (3) lack of financial resources in seeking and accessing justice, from the reduced number of public defenders for those who cannot afford private legal services, to lack of funds for transportation and other costs involved in seeking justice; (4) physical, social, and institutional “distances” impeding most people’s access to justice, from the spatial location of judicial services, to the judicial hierarchy, apparatus, language, etc, that create even more distancing to judicial support; and (5) widespread poverty, which potentiates even more all of the previous obstacles.

To these we must also add the intersection of other matrices of domination at play in the society in question, such as sexism, racism, homophobia, etc. In this regard, we must take gender, race, sexual orientation, religion, etc, also as factors creating obstacles to people’s fair access to justice. As Rebecca Sandefur (2008:340) stresses:

“the use of the civil justice system is not merely one of several ways to respond to commonly encountered problems; it is also a form of participation in one of the major social institutions of contemporary societies. The study of inequality and access to justice both reveals the role of these experiences in reproducing and destabilizing inequality and provides a lens on the inclusion and integration of different groups into public life.”

In spite of the achievements of women’s movements in Latin America, gender remains one of the major factors in creating unequal access to justice for women in regards to men. By gender we understand the social construction of ‘masculine’ and ‘feminine’ that legitimates the gender divide in roles and sustains the ensuing different gender needs and expectations. These, in turn, create different kinds of gender conflicts that can end up in the courts, such that women and men will make different use of the law. As Rocío Salgado Carpio (2001:101) notes: “The majority of complaints filed by women have to do with violence in the home and

with maternal obligations—maintenance allowances, custody, visitation, and so on.” Besides, even when women do have 'access' to the judicial system, they are subjected to gender biases in the decisions of courts that interpret the law. As Salgado Carpio (idem:ibidem) further explains:

“While it is true that much of the population has to contend with these same obstacles, they nevertheless affect women disproportionately because of the discrimination women encounter in society generally. To the state, justice is premised upon an abstract concept in which all human beings are equal and the laws are gender-neutral; it takes no heed of social, historical, cultural, economic, or gender contexts. This abstract notion is perhaps one of the most critical roadblocks for groups seeking access to justice: until the law recognizes that society is heterogeneous and moves to narrow the gap between the included and the excluded, justice for the latter will continue to be a pipe dream.”

According to Sandefur (2008:351), despite the important advancements in the creation of new rights and new “legal remedies” regarding gender inequalities in access to justice, “some of the problems to which women may be particularly vulnerable—such as harassment, workplace discrimination, and domestic violence—may remain more difficult for law to comprehend than are other kinds of problems.” A number of factors contribute to this, but perhaps the major one is that there are important distinctions “between the way these problems are experienced and the kinds of information law understands.” Sandefur (2008:352) cites as an example the fact that whereas “formal rules of evidence require the recounting of specific events, prefer precise dates and times, and privilege happenings that leave “visible marks in the world”, the nature of the problems faced by women, such as domestic violence is often to be persistent, repeated, and ongoing and to have elements of psychological threat as well as of physical action,” which are not easily “translatable into legally comprehensible accounts”.

It is clear, however, that patriarchal ideology also plays a major role in structuring the judiciary system as well as the public safety apparatus. As shall be seen further ahead, this is particularly evident when we turn to issues regarding women’s access to justice in situation of domestic violence.

### ***Confronting Domestic Violence Against Women in Brazil***

The issue of violence against women has been gaining worldwide attention, both as a form of discrimination as well as a violation of women’s human rights. It is today one of the major issues regarding women’s rights addressed by international agencies, governmental and non-governmental organizations, and by women’s movements the world wide, demanding collective solutions. This recognition is a result of the work of feminist and women’s movements and grass-roots organizations, as indicated by the United Nations Secretariat

General (2006:07): “As women sought to gain equality and recognition of their rights in many areas, they drew attention to the fact that violence against women was not the result of random, individual acts of misconduct, but was deeply rooted in structural relationships of inequality between women and men.” It has, therefore, a gender basis.

Gender-based violence against women has a long history and wide occurrence in Brazil in all social segments. A recent survey conducted all over the country indicated that 55% of the people heard personally knew women who had experienced gender-based violence, whereas 56% affirmed that domestic violence against women is the major problem faced by Brazilian women (IBOPE 2009).

However, domestic violence against women remained “invisible” and even regarded as “normal”, an issue of the private domain, until fairly recent (Santos 2008:30). It was only from the 1970s onward, with the resurgence of feminist movements, that it began to be publicized and recognized as violence. A series of high-profile cases in which wife murderers were acquitted, claiming “legitimate defense of the honor” (Santos 2008, Blay 2003) – the Brazilian version of “honor killings”, a practice dating back to colonial times when family heads had the right of life and death over family members – had a triggering effect. Despite the restrictions imposed by the military regime then in power, women took to the streets to protest against the negligence of the judicial and court systems in treating violence against women. Feminists denounced the resulting impunity towards offenders and the sexist prejudices applied against their women, bringing these issues to the public arena (Sardenberg and Costa 2010).

In Brazil, during the 1970s, repression and political violence directed to women and men opposed to the military regime contributed to the coalition of women’s movements and feminist organizations in respect to the fight for amnesty to political prisoners and improvement of life conditions of women of the poor working classes. This period was marked by the participation of working class women in the formation of “mother’s clubs” and Catholic Base Communities (the “CEBs”), as well by their activism in neighborhood associations of poor areas in the major cities, fighting for basic services, transportation, and daycare centers (Sardenberg 2009). In addition, the moment was also favorable for women of different social strata to join the struggle against domestic violence, breaking the silence and invisibility surrounding this issue by making private injuries a matter of public concern (Sardenberg and Costa 2010).

Beginning in 1975, feminist struggles in Brazil gained a greater impulse with the I World Conference for Women, held in Mexico City, celebrating International Women’s Year and the launching of 1975-1985 as the Decade for Women and Development (Sardenberg 2004). One of the consequences of these events was the politization of domestic and family violence at home, intensifying public debate and campaigns against impunity, and the promotion of special meetings, seminars, and studies around the issue. By the time the 1980s rolled in, and with them, the slow process of re-democratization of the country, feminists had the needed

public support to negotiate the formulation of public policies for women with opposition candidates in the upcoming elections for governors. In São Paulo, these negotiations eventually resulted in the creation, in 1983, of the first state council for women's rights (*Conselho Estadual da Condição Feminina-CECF*), and in 1985, as noted earlier, of the first police station for women- the *Delegacia de Defesa da Mulher*.

Let it be noted that the specialized “police stations” for women were not a direct feminist demand. Up to then, battered women had been assisted by feminist organizations – the “SOS’s” – on a voluntary basis, where they were provided mainly with counseling. Inspired by these voluntary services, the State Council formulated a comprehensive program project – which featured many of the provisions now contained in Maria da Penha Law, but not necessarily a police station – that was presented to the new governor. He responded by creating the police station, modeled in a conflict mediation template.

During the 1980's a number of other DEAMs were created throughout Brazil, by then already as a response to the demands of feminist and women's movements. This was to be the “decade of the DEAMs”. Indeed, of the now existing stations that function in state capitals, 70% were created between 1985 and 1989 (Gomes, Tavares, and Sardenberg 2010).

The 1980s also unlaunched important legal changes for women, brought about by the end of the military regime and the drawing of the new Federal Constitution of 1988. Under the pressure of feminist and women's movements, organized under the leadership of the National Council for the Defense of Women (*Conselho Nacional dos Direitos da Mulher – CNDM*, created in 1986), and with the active support of the so-called “Lipstick Lobby” (*Lobby do Baton*), the Women's Caucus within National Congress, fundamental advancements were guaranteed in the new constitution (Sardenberg and Costa 2010). Among them, the principle of equal rights among the sexes, and important clauses guaranteeing the State's assistance to all members of a family group, including the creation of legal mechanisms to combat violence among its members.

International support for the implementation of these measures came by way of the United Nations world conferences, which characterized the 1990's as the “Decade of Conferences”: World Conference on Human Rights, held in Vienna (1993), World Conference on Population and Development, in Cairo (1994), and the IV World Conference on Women, that took place in Beijing (1995). Brazil not only took part in all of these conferences, endorsing all the documents and conventions produced, but also took a leadership role in advancing the discussion on sexual and reproductive rights (Sardenberg 2010a). This, in time, led to the ratification, in its entirety, of CEDAW – the Convention for the Elimination of All Discrimination Against Women, which had been approved by the UN in 1979, but only partially by Brazil, then under the power of the military.

It is well to point out that the major strides in international terms regarding issues of violence against women were made at the Human Rights Conference, in Vienna. As a result of a coordinated global mobilization – prior and during the Conference – in which women of all regions, both from Governments and feminist NGOs participated, the Vienna Declaration and Program of Action, of 1993, “included affirmation of the universality of women’s rights as human rights and a call for elimination of gender-based violence. The Vienna Conference also added significant momentum to the adoption of the Declaration of the Elimination of Violence Against Women by the General Assembly later that year” (UN-Secretary-General 2006:10).

This Declaration expands the concept and scope of violence against women, stating that it is “a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women” (preamble, UN General Assembly Resolution 48/104). Another important international convention following within the same conceptualizations is the Inter-American Convention for the Prevention, Punishment, and Eradication of Violence Against Women, approved by the Inter-American Commission of Women, of the Organization of American States –OAS in 1994 in Belém, do Pará, Brasil, and since known as “Convention of Belém do Pará” (Bandeira 2005). Effective since March 5, 1995, this Convention “has become a standard-setting instrument in the struggle against gender-based violence” (CIM, n/d).

Indeed, both of these international instruments make the signing countries responsible for carrying out the agreed stipulations, and liable for “negligence” in failing to act accordingly. This entails “international tribunals” and condemnations – the first major one condemning the Brazilian government, in 1998, for “negligence and omission” in the case of Maria da Penha Maia Fernandes, paraplegic as a result of domestic violence and failure of the State of Ceará, in Brazil, to act upon several complaints filed by her against her former husband fifteen years before. He was only incarcerated for attempted murder in 2002, nearly twenty years after the shooting that put her in a wheel chair for life (AGENDE 2007:12).

Despite the boost given by the conferences, international conventions and agreements to the criminalization of violence against women, women’s struggles in this regard in Brazil suffered a severe set-back in 1995, with the passage of Law 9.099/95. This piece of legislation instituted the “Juizados Especiais Criminais”, the Special Criminal Courts, known by the acronym “JECRIMs”, regarded as “revolutionary” by the juridical community, for supposedly facilitating the access to justice in cases of crimes of “minor” offensive potential. However, these special courts backfired in the case of violence against women. In the name of “agility” in solving the cases, the conciliators did not determine the imprisonment of offenders, applying minor sentences, more often than not, the payment of menial fines to redress the offense. They ignored the nature of gender relations involved in the conflict, the “circle of violence” , that is, the cyclical characteristic of domestic violence, resulting in an

approach which minimized and banalized the violence inflicted upon women (Queiroz 2008, Cruz et al 2008).

Not surprisingly, the critique of the JECRIMs and the need for new legislation to combat violence against women became one of the major issues debated by feminists, gaining special consideration in the Conference of Brazilian Women, held in Brasília, in 2002 (Sardenberg and Costa, 2009). The resulting document – the Feminist Political Platform (*Plataforma Política Feminista- PPF*) - presented to all presidential candidates at the time, included a special section on “violence against women”, expressing the need for more effective and more comprehensive mechanisms, legal and otherwise, to confront and combat it.

Likewise, participants in the I National Conference of Public Policies for Women, promoted by the Federal Government and held in Brasilia in June, 2004, also discussed and voted on propositions to combat violence against women coming from municipal and state conferences (which involved the participation of nearly 300.000 women all over Brazil), that were to figure in the I National Plan of Public Policies for Women approved in 2004 (Sardenberg and Costa 2009, Sardenberg and Costa 2010).

Following the launching of the PPF, a consortium of feminist networks and organizations<sup>4</sup> was organized to formulate a policy brief towards the drawing of this mechanism, that was presented to Special Secretariat of Policies for Women-SPM. In November of 2004, after a long process of discussions and reformulations by a working group formed by representatives of several government ministries coordinated by SPM, followed by a series of public audiences all over the country, the final document was presented to Congress as a Law Project (PL 4.559/04). For nearly two years, feminist and women`s movements lobbied in Congress and promoted discussions and mobilizations asserting the need for the passage of the legislation in question. It was finally sanctioned by President Lula in August 7, 2006, as Law 11.340/06, to be enacted starting September 22 of that same year, and was soon baptised as Maria da Penha Law, in honour of Maria da Penha Maia Fernandes` courageous fight against impunity in the case of domestic violence.

The II National Plan of Public Policies for Women, resulting from the II National Conference of Public Policies for Women held in the following year (2007), brought support to the implementation of this new legislation, including in its objectives the consolidation of an Observatory to monitor this process. To further ensure that the new law would be put into action, the Federal Government formulated the National Pact for Confronting Violence Against Women, to be firmmed with state governments, and consisting of a package of policies

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<sup>4</sup> The participating organizations were: ADVOCACY, AGENDE, CEPIA, CFEMEA, CLADEM/IPÊ and THEMIS.



and mechanisms for the articulation of the different ministries and state agencies in working together in order to combat and prevent violence against women.

### ***Maria da Penha Law***

Maria da Penha Law - LMP constitutes a historical mark in the 30-year long campaign headed by feminists to gain public recognition to the claim that violence against women is a violation of human rights and a major social, political and juridical problem. In sanctioning it, the Brazilian government responded not only to the demands of the feminist and women's movements in Brazil, including those included in the I National Plan of Public Policies for Women, but also to the recommendations of the CEDAW Committee to the country report, as well as to those of the Inter-American Committee of Human Rights of the Organization of American States (OAS).

As previously noted, the new law was sanctioned in August 7, 2006, to come into force in September, 22, of that same year. LMP is the only legislation in Brazil that treats specifically and more comprehensively the issue of domestic and family violence against women, guaranteeing women's human rights and their access to justice. It brings important conceptual advancements by incorporating a gender perspective, and by enlarging the meaning of domestic and family violence against women to include any "action or omission based on gender that causes death, lesion, physical, sexual, or psychological suffering, or any moral or patrimonial damage" (Art. 5<sup>th</sup>). It also extends the meaning of "family", regarding it as a "community formed by individuals who are or consider themselves to be related, brought together by natural ties, affinity or expressed will" (Art.5<sup>th</sup>, paragraph II), including in this scope same-sex unions, thus breaking entirely with the restricted juridical concept of family. LMP recognizes as conjugal violence against women that which involves those who have, or have had, a relation of affection, independent of cohabitation and sexual orientation (Art. 5<sup>th</sup>, paragraph III).

Formulated with the stated purpose of creating "mechanisms to restrain and prevent domestic and family violence against women" (Art.1<sup>st</sup>), LMP incorporates, in addition to punitive measures for the aggressors, those vying protections to the victims, and integral support and assistance to women in a situation of domestic and family violence by instituting a network of public services, as well as measures geared to the prevention against this form of violence and its continuing reproduction.

The Secretariat of Public Policies for Women (2006) has summarized the major innovations of the new Law as follows:

- “• Classifies and defines domestic and family violence against women.

- Establishes the forms of domestic violence against women as physical, psychological, sexual, patrimonial and moral.
- Determines that domestic violence against women is not dependant on the woman's sexual orientation.
- Determines that the woman can only renounce the denunciation before a judge.
- Pecuniary sentences are forbidden (payment of fines or basic food baskets).
- The delivery of the legal notice by the woman to the aggressor is forbidden.
- The woman victim of domestic violence will be informed of the procedural acts, especially of the prison entry and exit of the aggressor.
- The woman must be accompanied by attorney or public defender in all the procedural acts.
- Removes from the special criminal courts (law 9.099/95) the competence to judge crimes of domestic violence against women.
- Alters the penal procedure code to allow the judge to decree preventive custody when there is risk to the physical or psychological integrity of the woman.
- Alters the law of penal executions to allow the judge to determine the obligatory attendance of the aggressor in recovery and re-education programs.
- Determines the creation of special courts of domestic and family violence against women with civil and penal competence to address family issues derived from violence against women.
- If the domestic violence is committed against a woman with special needs, the sentence will be increased by 1/3. (BRASIL, SPM 2006)''

LMP also brings important changes regarding the role of police authority in restraining and preventing violence against women, in that it:

- “• Includes a specific chapter on assistance provided by the police authority in cases of domestic violence against women.
- Allows the police authority to arrest the aggressor in the act in case of any of the forms of domestic violence against the woman.
- Registers the police report and establishes the police inquiry (with the testimonies of the victim, the aggressor, the witnesses and documentary and investigation evidence).
- Forwards the police inquiry to the Prosecutor's Office
- May request that the judge determine several urgent measures, within 48 hours, to protect the woman in a situation of violence.
- Requests that the judge determine preventive custody based on the new law that alters the penal procedure code (BRASIL, SPM 2006)''.

Insofar as the Judicial Process is concerned, LMP includes the creation of special courts – the Special Courts for Domestic and Family Violence Against Women – with the following innovations:

- “• The judge may determine, within 48 hours, urgent protective measures (suspension of the aggressor’s license to carry weapon, removal of the aggressor from the home, keeping distance from the victim, among others), depending on the situation.
- The judge of the court of domestic and family violence against women is competent to appreciate the crime and the cases that involve family issues (alimony, separation, custody of children etc.).
- The Prosecutor’s Office will present charges to the judge and may propose sentences ranging from 3 months to 3 years of detention; the final decision and sentence belong to the judge “ (BRASIL, SPM 2006).

The Special Courts should have a “multidisciplinary staff”, including social workers and psychologists, to support the victims and inform the judges in their rulings. The courts should work closely with the police authorities, as well as with the other agencies included in the network of services, such as: shelters for battered women, reference centers, health centers, job training and employment agencies, public defender offices and prosecution offices. The courts must rule, as well, on civil matters, such as those regarding divorce, child custody, etc, so that women in situation of violence need not trail around other courts in seeking support for problems that arise from domestic violence.

Let it be noted that Article 7 of the new legislation, specifically on paragraphs IV and VII, centres on the implementation of “specialized assistance to women, particularly in the Police Stations for Women”, and the permanent training, on issues regarding gender, race, domestic violence, of the “Civil and Military Polices, the Municipal Guard, the Fire Department”, and of other governmental organs included in the network of services tending to women victims of domestic and family violence.

This special training is important in that the new Law introduces a series of protective and assistance measures that should be provided in a well articulated form, so that women in situation of violence will find support from agencies providing social, health, juridical, and safety assistance. In order to guarantee the physical and psychological integrity of these women, LMP includes provisions for:

- Urgent protective measures, securing them the right to mobility, to go to work, and to remain in their homes;
- The inclusion of these women in all the pertinent social assistances programs, particularly in the case of women who are economically dependent on their abusers;
- Guarantee for the maintenance of their Jobs for up to six months when they need to stay away for safety measures;

- Access to emergency contraceptive services to those involving prophylaxy in the case of Sexually Transmitted Diseases, thus providing access to legal abortions and health treatment.
- Access to Free Legal Counsel for assistance in the police and judicial procedures.

A number of “preventive” and “educative” measures have also been introduced with LMP. They include:

- The promotion of studies and surveys to systematize data to evaluate the efficacy of the new measures;
- The implementation of programs aiming to eradicate domestic and family violence against women;
- Educational campaigns focusing on humans rights, gender and race equity, and on the new legislation, among other related issues.

It should be noted that LMP also includes stipulations regarding the monitoring of its implementation and application. Indeed, we may say that, “on paper”, Maria da Penha Law constitutes one of the most advanced and most comprehensive packages of legislation to confront domestic and family violence against women. However, it is necessary to stress that the criminalization of domestic violence has not been easily accepted in Brazil. On the contrary, several judges have claimed that the Maria da Penha Law is “unconstitutional” because it “discriminates” against men. In Rio Grande do Sul, for example, in the southernmost part of Brazil, the family judge Edilson R. Rodrigues rejected all incoming petitions for application of the law in the areas under his jurisdiction, stating that: “Human disgrace started in Eden: because of women, as we all know, but also because of man’s naivité, stupidity and emotional fragility [...]. The world is male! The idea we have of god is male! Jesus was a man”. He further argued that state control over violence against women will “turn man dumb”, and that “the modern woman – so-called independent, needing no father for her children except for the sperms – is only modern because she is a frustrated woman as a female being” (Diana 2007).

The Secretariat of Public Policy for Women (*Secretaria Especial de Políticas para Mulheres*) took the case to the supreme court, where a disciplinary measure against Judge Rodrigues declared that “the magistrating exercise is not a green light for the expression of prejudice and verbal distemperance”. Nonetheless, in an interview following the Supreme’s decisions, Judge Rodrigues reaffirmed his prejudice and profound *machismo*:

“I believe that women should go back to that submission of former times, but men not allowing it to be as it was in the past. She should be that woman that gives of herself entirely to the man she loves, the one she chose for herself. But this man should not commit the same mistakes he did in the past. So that things will not end up as they are now, if that woman of the past comes to take her man’s boots, he should say: ‘No, my

love, I will not allow you to do this, I will not allow this humiliation because I love you.’ If man had symbolically acted in this manner way back, women today would not be wanting to be so independent. We recognize this mistake and so what? Here comes Maria da Penha Law and is doing just the opposite. I recognize that man is guilty for not valuing enough that sweet and faithful woman, that gave herself entirely to him. He is suffering now, and so what? Is she going to commit the same mistakes men made in the past? (*Consultor Jurídico*, 2007).

As shall be seen in the following sections, the implementation and application of Maria da Penha Law have also stumbled in a number of obstacles in other agencies and public organs responsible for the enforcement of the law throughout the country, such as in the case of DEAMs, the Police Stations for Women, which are considered the major machinery in that respect in the country.

### III. DEAMs as a Pathway of Women’s Access to Justice in Brazil

In January 2010, Brazilian society witnessed another case of violence against women. The crime received ample coverage by the media, which made public images recorded by a camera installed in her home by the victim herself with the intention of inhibiting her abuser’s violent behavior. It involved the murder of M., a 31-yr-old beautician, killed by nine gunshots made by F., her ex-husband, a 30-yr-old tire repairman.

The crime took place in the victim’s beauty salon, in the morning of January 20, in Venda Nova, a neighborhood in the periphery of Belo Horizonte, capital of the State of Minas Gerais in South-east Brazil. In the salon, at the time, there were other salon workers and clients, who watched the murderer come in, witnessed the crime, and his escape. On the following day, pressured by the media and feminist and women’s groups, and by organs that deal with the defense of human rights and with victims of the domestic violence, the Minas Gerais Civil Police located and arrested F. in a small town in the interior. He was then transferred to Belo Horizonte, where he is still awaiting trial.<sup>5</sup>

Little is still known about the case. M. and F. were married for five years and were separated for about one year when the crime took place. He did not accept the separation, and had already made several death threats against his former partner. In 2009, F. threw a bomb in M.’s beauty salon. Another threat was registered in her mobile phone. Fearing that F. acted on his threats, M. sought the police on eight different occasions to register complaints, four of them in the local DEAM. According to the news, in one of these occasions F’s license to carry a gun was revoked. In another one, the judge eventually passed a protective measure, issuing a restrictive order that prohibited F. to approach M. for less than 200 meters. Both of these measures are previewed in LMP. Yet, even with these measures, M. did not feel safe and installed security cameras in her home and place of work. The videos registering the murder will be used as proof against the perpetrator.

M. was not a passive victim. She knew of the risks and tried to get protection. As other women do it daily in the entire country, she too looked for institutional support, expecting that the state would protect her life and guarantee her right to live without violence. She was not passive in face of the threats, but ended up being twice victimized: by the F.’s action, that resulted in her death, and by the omission on the part of the State, particularly in so far as the police and justice system, which still seem not to have awoken to the gravity of the kind of violence practiced against women in the country.

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<sup>5</sup><http://www.fojeemdia.com.br/cmlink/foje-em-dia/minas/ex-marido-suspeito-de-matar-cabelereira-e-presopela-pm-1.67232>

Unfortunately, if anything in this case can be classified as surprising, it is certainly not the history of violence suffered by M. and her tragic end. The murder of women in Brazil, killed by their affective partners, who are rejected and jealous, is not anything new nor an exception. Other cases, more and less famous, have occurred within the last century (see Corrêa 1983, Eluf 2002, among others). As noted earlier, since the 1970, some of these cases gained repercussion in the media, the violence being denounced by feminist and women's movements as a serious social problem that was supported by the actions of a justice system which absolved the abusers in the name of the legitimate defense of the honor or for acting under violent emotions.

Thirty years after the first denunciations, what calls attention to this particular case is the fact that it showcases the real problems that women still face in seeking police protection and that of the justice system to ensure their rights when faced with domestic and family violence. Indeed, M.'s tragic story gained greater importance in contributing to the ongoing national debate on the responsibilities of state agencies and professionals in the application of Maria da Penha Law.

Although not uncommon – indeed, at the moment, two other high profile cases are attracting much media attention (Sardenberg 2010) - , cases such as M.'s can be taken as emblematic of the present moment we live in Brazil in terms of the recognition of violence against women as a social problem. Thanks to this recognition, there was strong public reaction and the aggressor was quickly arrested. It was also this level of recognition that contributed to the sanctioning of LMP in 2006, the law that was used by M. in search of protection of her right to live. Add to that the significant changes and advancements in public policies and in women's formal rights. However, M.'s case makes us realize, in a very tragic way, that in putting these rights into practice women still face great obstacles that prevent greater efficacy in the application of law.

The persistence of violence against women in a context of important social and political changes in gender relations in Brazilian society orients the formulation of this report. In this section, we focus on the results of a literature survey centering on the DEAMs and the role they play in the National Policy for Confronting Violence Against women, and in actually dealing with the women who seek their services. We also bring data from the surveys conducted by OBSERVE (Gomes et al 2009, 2010), aiming to contribute to the debate regarding the DEAMs as a means of widening women's access to justice in the case of domestic and family violence.

### ***DEAMs and Specialized Access to Justice***

Since 1988, a new Federal Constitution, recognized as one of the more progressive democratic constitutional charts in the entire world, has been at work; however, Brazilian society is highly hierarchical and sectioned by deep matrices of domination (sexism, racism, homophobia) that, combined with the existing capitalist class system of economic inequalities, result in a

profoundly unequal access to justice to different social segments. As Guilherme O’Donnell has expressed: “...peasants, people from favelas, Indians, women etc. do not normally receive fair treatment in the courts, do not obtain from state agencies the services to which they have a right, nor are free from police violence...” (1993:134). In this situation, as Guita Debert and Filomena Gregori (2008:166) observe, expansion of access to justice comes only as a result of struggles and negotiations, but one in which there is no fair balance of power between the struggling and negotiating parties.

The creation DEAMs must be seen as a response to this situation in relation to women. They rest on the notion that “the universality of rights can only be achieved if the struggle for the democratization of society take into consideration the particularity of the forms of oppression that characterize the experiences of each of the different underprivileged groups” (Debert and Gregori 2008:167). In terms of public policies to confront violence against women in Brazil, the DEAMs still represent the first and most important achievement. They have remained in the center of the debate when the issue is access to justice and the exercise of rights for women in situation of violence.<sup>6</sup>

There are at least two aspects that help to explain the strategic position occupied by DEAMs in this respect. First, considering the Brazilian Criminal Justice system, the police stations stand as entrance doors to the “justice flow”. In the exercise of their attributions as judicial police, as previewed in Maria da Penha Law, DEAMs must register criminal occurrences (“boletins de ocorrência”, or BOs) and carry out the needed investigation procedures, gathering technical evidence and witnesses to fundament the cases and complaints to be sent to the Prosecution Offices (“Ministério Público”) and, as such, initiate the criminal processes up to their judicial closings. In this manner, it is hoped that the police stations ensure the recognition by the State of a social problem which up to a few decades was still defined and treated as a matter of family and thus private relations. It is also hoped that the State guarantees the mechanisms, laws, and public policies that place criminal responsibility on the abusers, regarded as a necessary means of combating the different types and forms of violence against women. In this analysis of the DEAMs, we are mainly interested in their role of making possible access to formal justice, that is, that which is realized in the courts through the fair application of the laws.

The second aspect that places DEAMs in an strategic position is related to the conceptualization of “specialized” which oriented their creation. As specialized units in tending and assisting women in situations of violence, these police stations were meant to offer a differentiated assistance - based on warm reception and non-discrimination. In the initial proposal, one of the components of this “specialization” referred to the constitution of a body of police women, in the belief that their presence would facilitate the filing of complaints.

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<sup>6</sup> For discussions of the political mobilization for the creation of the first DEAMs, see, among others: Barsted 1994, Gregori 2006, Nelson 1996, Izumino 2003, Pasinato 2008, Pasinato and Santos 2008, Santos 2000.



Other aspects of this “specialization” included the exclusive reception of women, with an emphasis on cases of abuse in conjugal and family relations, as well as of sexual violence, and on the integration of other forms of assistances - such as psychological, juridical and social – thus providing women with access to information and orientation to help them escape from the situation of violence.

The creation of DEAMs in those terms unfolded under the strong influence of feminist and women movements, which sustained the conception of justice subscribing these spaces. From a feminist perspective, the DEAMs were thought of in terms of gender and power, criminalization standing as a relevant means of confronting violence – but not as the only one. In the social and political context in which the first DEAMs were created, the major demands were for putting an end to impunity, which explains why great emphasis was placed on the criminalization aspect. However, in incorporating the concern with an integral assistance to women, it was expected that the services offered in these police stations would be based on respect and on the recognition of the difficulties faced by women who decided to break with violence. It was expected that in addition to the police complaint, women would receive the needed information and guidance about their rights and other services that could contribute to the exercise of these rights, and to their social and political empowerment. In this regard, the Brazilian feminist movement anticipated, in the project for the DEAMs, the campaign for the right to a life without violence (Machado 2001), launched with the Vienna Convention (1992), which recognized women as subjects with rights, including to public policies that contributed to their empowerment in exercising rights.

The formulation of specialized laws and services has figured as one of the ways found by social movements and by governments to face the obstacles that stand in the way of women and other political minorities, blocking their way to the full access to justice. The underlying idea is not new: recognition of equality within differences, that is, specialized laws and services so that they contemplate what is specific and characteristic of each minority group as a means of ensuring the realization of rights defined as universal (Pasinato 2008). However, there is no consensus as to how one may best organize the access to these rights.<sup>7</sup>

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<sup>7</sup> In 2005, the UN promoted an event for experts in policies for confronting violence against women to discuss “good practices” at work in different countries. Regarding specialization of services, the discussion group identified the following issues: first, should the services be specialized in assisting women, which means that one and the same service would tend to all forms of violence and discrimination by which they are victimized, or should they be specialized in assisting only some forms of violence? Second: should the plans of action and policies for confronting violence against women be treated as special government actions or should they be mainstreamed in all state policies? Third: should women be assisted exclusively by specialized services and professionals or should be ensured that each sector will offer them proper assistance, independent of specialization? Unable to find answers to these questions, the discussions revealed that this is an endless debate, in need of reflections geared toward local realities. In “*Good Practices in combating and eliminating violence against women*”, Report of the expert group meeting. UNDAW/UNODC, may 2005, 40 pages.

Of course, it cannot be affirmed that DEAMs in Brazil have followed one single model. To the contrary, reviewing the literature on the theme, we may identify three key aspects that have given rise to local differences: a) the types of assistance offered beyond police matters; b) the type of police intervention at work besides the strictly “police matters” , such as conflict mediation and those of a more pedagogical and preventive character; and, finally, c) the types of crimes that are within their jurisdiction – if they work only with those pertaining to domestic or family violence, or with all gender based crimes against women, independent of the relation between victim-abuser (Pasinato and Santos 2008: 13).

In part, the observed variation stems from the fact that DEAMs are organs subordinated to policies of public safety linked to state governments, the latter having autonomy from the federal government in formulating these policies and creating the respective organs to implement them. In 2006, taking this fact into account, the Secretariat of Public Policies for Women – SPM edited a document pertaining to the “Technical Norms of Patterning of the DEAMs”, aiming to bring some uniformity to these machineries. However, the document cannot be enforced, its adoption is a matter of political articulations and pacts, not always successful.<sup>8</sup>

In this respect, it is also important to look at the social and political context in which these police stations have been created. Studies have shown that the first ones resulted directly from the pressure put by feminist and women’s movements on the new opposition governments elected during the transition period towards the reconstruction of democracy in the country. However, the participation of these movements in the implementation of the resulting police stations did not unfold without problems; there was considerable “resistance”, both on the part of the police as well on account of the lack of a consensus within the movements regarding the new services (Barsted 1994). In this regard, it may be said that, overall, police stations vary according to the degree of “political will of the period and the balance of forces in the institutional arena of the place in question” (Fonseca 2006:165).

However, it is important to stress that, in Brazil, the administration of justice is dominated by a legal ideology of neutrality and by a masculinist culture which have combined to resist the implementation of policies to curtail violence against women. The ideology of neutrality is expressed in the notion that “the main goal of the judicial system is to “find the truth” neutrally and objectively through the correct interpretation and application of the law to each particular case” (Dos Santos 2004:37). Different than other systems, which place the responsibility for “finding the truth” in a jury, in Brazil, both in civil as well as in criminal law, this responsibility falls upon the judiciary, based on investigations carried out by the civil police (Kant de Lima 1995). Although one depends on the other, the articulation of their work is

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<sup>8</sup> A new set of technical norms have been formulated in accordance with LMP and should be made available by the end of September, 2010.

made more difficult by the fact that the civil police falls under the control of the state's executive power.

Police officers and agents are career workers, who must have specific qualifications and training. Dos Santos (2004:37-38) summarizes how police stations function in this regard:

“Every police station, and every investigation, is headed by a male delegado de polícia or female delegada de polícia (police delegate). The delegado/a, who is required to have a law degree, directs the inquérito policial (police inquiry) with the help of investigadores (investigators) and escrivãos (police clerks), both of which are required to have a high school diploma. While the investigadores go out into the streets to conduct a service, arrest, or detect evidence, the escrivãos perform the administrative tasks of the police station. In order to enter each of these careers, police officers must pass a series of public exams on penal law, constitutional law, administrative law, and other branches of law. After passing their exams, police officers are required to complete a three-month course at the police academy. This training includes classes on criminology, legal medicine, constitutional law, telecommunications, human rights, child and adolescent, self-defense, and shooting. There are no courses on violence against women or on the women's police stations.”

Before looking more closely at the available data on the present roles and functioning conditions of the DEAMs, it is important to review the literature on them, and delineate the major changes they have undergone within the last 25 years, so as to better evaluate the implications of the new legislation for DEAMs as public policies.

### *DEAMs: A story in four stances*

Most of the literature on “violence against women” in Brazil dates from the 1980s<sup>9</sup> onwards, and is associated with the history of (1) the public recognition of violence against women as a social and political problem and (2) of the public policies to confront it. At present, Brazil has the largest bibliography pertaining to these issues in Latin America; however, the data available is very fragmented in terms of time and space. There are significant (if not irreconcilable) differences regarding the size of the samples and their composition; the procedures followed to gather the data; the overall objectives of the studies and their scope, etc. This means that the data on violence against women in Brazil, and on DEAMs, in particular, resemble a great “patchwork”.

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<sup>9</sup> Three studies conducted still in the years 1970 contributed to research in the following decades: Azevedo (2005), Correa (1983), and Chauí (1984). See Santos and Izumino (2005), and Pasinato (2007) for discussions of this and other literature regarding studies of violence against women in Brazil.

Insofar as they concentrate within their premises much of the assistance given to women in situations of violence, DEAMs have become the privileged space for studying the development of public safety policies and women's attitudes regarding police intervention in putting an end to violence in their lives. However, interest on evaluating the impact of this intervention on women's lives is fairly recent, particularly as to what refers to guaranteeing women's access to fair and effective justice, that is to say, on the impact of DEAMs in the eradication of violence of those who seek their assistance.

In considering the available literature, four different periods (and their corresponding major research interests) may be recognized. In the first, which begins in the mid-1980s and extends to the beginning of the 1990s, the major objective was to gain a perspective of the magnitude of the problem. As such, the studies focused primarily on the types of crimes that were registered with greater frequency, and on delineating a profile of the women filing the complaints and that of their abusers. In the second period, initiated in the first half of the 1990s, the studies turned to the dynamics of the denouncement itself. They take a more ethnographic character, offering a rich array of materials for analyzing and learning how the police responded to women's needs. A third period begins in the mid-1990s, when the debate on the criminalization of violence against women is revived with the implementation of Law 9099/95. It is also in this period that DEAMs emerge as a major object of reflection regarding public policies for confronting violence against women. Finally, the fourth and most recent period is marked by the passage of Maria da Penha Law and its implications.

The first study using complaint bulletins registered in police stations for women was undertaken by the SEADE Foundation (Seade 1987). It used the bulletins registered during the first four months of operation of the first police station for women, which is located in São Paulo, and still known as *Delegacia de Defesa da Mulher*, Police Station for the Defense of Women. Taking a quantitative approach, the study traced the socio-demographic profile of the victims (age, color, education, occupation, place of origin and of residence) and of their abusers. It looked as well at the type of violence denounced and the context in which it occurred (time of day, location, presence of witnesses, use of guns or other instruments, among other variables). The major objective of the study – and of others that followed, studying the different police stations for women that were being created, was to map the dimensions and describe the characteristics of the violence against women that was being denounced, in order to demonstrate that it was a serious social problem. The overall purpose was to break with the taboo that surrounded these violent practices, so as to sensitize society and governments to the need for confronting violence against women on a collective basis (see Camargo, 1991; FIOCRUZ, 1991; Soares, 1996; Saffioti, 1996, among others). Most of those studies relied on quantitative data and were based on an approach to violence that regarded it as a result of patriarchal domination and placed the emphasis on the victimization of women and the criminalization of violence. This perspective structured the denouncing, the proposals for public policies and the way in which violence against women was perceived at that moment (Soares 2002, Gregori 2006).

Even if the data presented in those studies prevents comparative analyses and generalizations, the profiles they traced present some similarities as to the people involved and the context in which the aggression took place. On the whole, the women victimized filing complaints were young – between 19 and 34 years old – with low education levels and little professional qualification. Considerable percentages of the women declared themselves to be housewives and/or being involved in the informal labor market. The profile for their abusers did not differ too much from that of the women: they also had low education levels and little professional qualification, and were, on average, slightly older than the women (a cultural preference in Brazil regarding the appropriate ages for men and women in a relationship, that is, the men should be a little older than the women). As to the context and circumstances, the studies indicated that the “home” was the main location, the evenings the more likely time of day, and the weekends the deadliest period in the week for violence to erupt. As factors contributing to this effect, were cited unemployment, alcoholism, and jealousy, as well as the inadequate behavior of the women as mothers, wives or companions.

This initial information influenced the discourses on violence against women, as well as police practices and institutional responses to women’s demands. It is important to observe that the profiles presented in the studies were not homogenous; there were relevant regional characteristics and contrasts between large and small cities. Besides, overtime, the profiles of the women who file complaints have been changing in terms of their access to education and insertion in the labor market. Data regarding the women still characterize them as coming primarily from the poorer classes, however, the percentages of women of the middle and upper classes who seek institutional assistance to break with a situation of violence has been rising, showing that violence against women is not a problem characteristic of a determined social class or group, but instead present in all segments of Brazilian society.

It is important to stress that the profile of the women who are victimized by domestic violence and seek help is a matter of great relevance to present discussions on women’s access to justice. Indeed, it is known that this access is made much more difficult by social, cultural, and economic factors, which span from lack of knowledge about laws and rights, to lack of money to get to the places where services are offered (Santos 1996, Capelletti and Garth, 1988). Making the language used by professionals who provide these services more adequate to those who seek them, including insofar as the content of the existing laws and rights is concerned, is also an important aspect of women’s access to justice. It is equally important to be aware of the circumstances that surround the occurrence of violent acts, particularly in relation to how women identify and characterize them, so as to better develop and articulate the network of specialized services to assist them. In this regard, it is necessary to recognize that, although there may be some common characteristics to the nature of violence against women in a given society and among the women victimized, each one experiences their stories of violence in unique ways. These experiences are conditioned by the gender locations and roles, but also by the effects of the intersection of class, race, color, age, sexual orientation and other social

matrices of domination. Thus the need for the provision of services and training of personnel sensitive to these inter-sectionalitys and the ensuing needs.

Not surprisingly, therefore, research interests vying the formulation of appropriate policies turned to the dynamics at play in the processes involved. In question was the fact that, despite the growing numbers of complaints filed in DEAMs, the number of judicial processes did not grow at the same rate – or did not grow at all – nor did any advancements seem to take place in the performance of the Judiciary System. To the contrary, judicial decisions continued to ensure the absolution of the accused, particularly in cases of violence in conjugal relations.

Apparently, a contradiction seemed to be at work in the way DEAMs functioned, interfering with the process of criminalization of violence against women. At the same time that these police stations were consolidated as the privileged space in giving visibility to this problem and in transforming it from private matter into object of public policies, studies showed that DEAMs had been converted into spaces for informal conflict resolution, operating as a filter for conflicts that went to the Judiciary System (Muniz 1996, Soares 1996). As such, it became necessary to understand what women were looking for in filing complaints in the DEAMs, and what were the limits of the responses given to them by this institution.

Since the first DEAMs began to operate, it became common for police staff to report that many women, after filing a police complaint, would later return to the station expressing the desire to “withdraw” this complaint. For the police, it became evident that the women did not desire to punish their abusers. Women’s descriptions of the violence they suffered, the circumstances in which they occurred, and how they justified the situation, identifying motives for the abusive behavior, reinforced the perception that women sought the police simply to ensure that police would reprimand their abusers as a means of revenging their excessive drinking, infidelity, or to make them see that their violent behavior was morally unacceptable. The major demand was for police authorities to intervene in the domestic conflict, by intimating the abusers to come for a meeting in which they were reprimanded by the authority and told of the risk of punitive measures should they relapse. Women’s attitudes did not put into question the violence they suffered – particularly in the case of the presence of lesions such as bruises and scratches – but placed under suspicion their desire to pursue with complaint procedures to their fullest (Ardaillon and Debert 1987).

This behavior on the part of the women was also observed by researchers studying DEAMs and their everyday procedures, which included the way the staff in these stations regarded women’s attitudes. It raised the issue of the limitations of the process of criminalization of violence, and of the inherent shortcomings of institutional responses in the sphere of criminal justice in confronting domestic violence against women.

These issues called for a more qualitative approach in studying DEAMs, which led to more enriched reflections based on ethnographic and interview data. It is also in this period that

conceptualizations of violence are re-viewed with the introduction of the concept of “gender” (Scott 1988). The introduction of a gender perspective in the discussions and analyses regarding violence against women allowed for the recognition of women’s and men’s roles as social constructions and, as such, open to change. It also made it possible to think of these relations as resulting from gender inequalities in the distribution of power between men and women, and thus for the need to compensate them with differential access to citizenship rights to women and of recognizing them as subjects with rights.

Relevant contributions came from those studies that placed women in the forefront, turning their attention to what women wanted in seeking the police, and how they justified their demands (Muniz 1996, Brandão 1998). Through these analyses, it appeared that many women who sought the DEAMs did not necessarily expect the police to give due process – in judicial terms – to their demands; that is to say, they did not want their abusers to be formally charged nor condemned. In point of fact, they did not recognize themselves as victims of a crime, nor as having their human rights violated. And even when they did recognize this fact, their intention in procuring the police was not to formalize a complaint (Brandão 2006).

Brandão (1998 e 2006) brought to light the dynamics of a process she named “suspension of complaints”, arguing that, from the perspective of these women, it was not contradictory to file a complaint with the police and later ask for its suspension. The women did not understand the suspension as an act of failure, nor of submission to their partners, much less of renouncing rights. To the contrary, they saw this decision in a positive light, regarding the police complaint as an instrument of negotiation with their partners, either to improve conjugal relations, or to proceed with a divorce. Thus, for Brandão, the suspension of the formal complaint was part of the resources that women mobilized as a means of managing their conjugal or family crisis.

This behavior on the part of the women victimized supported the arguments of many feminists from the first campaigns to combat domestic violence: although the police stations for women were needed to reduce penal impunity in the crimes against women, to confront the problem of domestic violence with greater efficacy it was necessary to adopt a multidisciplinary approach. To use a more contemporary expression: it was necessary to treat it with a more holistic and intersectoral approach, providing not only access to filing complaints, but also to psychological and juridical assistance.

From the perspective of the police, this “suspension of complaints” process was proof that the violence reported by the women was not a “police problem” but instead a social one. And as a social problem, it made sense for police chiefs to proceed by reprimanding and/or counseling the abusers, holding conciliation/mediation sections, and sending them to psychological and substance abuse treatment, as it became common procedure in the majority of DEAMs in the country.

Of all the responses given by DEAMs, the mediation of conflicts was the one that drew the greatest attention and debates. Holding “conciliation audiences” or “mediation audiences” was the response police chiefs understood as the most appropriate to the demands expressed by the women, when asking that the police merely “scare” their abusers. For the women involved, these audiences seemed a faster and more efficient intervention to put a stop to the violence they faced, rather than giving the processes their due course.

Police women involved gave different justifications for holding the mediating audiences. Believing that the women needed psychological support not offered in the stations, many police women took upon themselves to assume this task, even if not professionally trained for that. As such, before proceeding with the filing of the complaint, they talked to the women and made arrangements for the abusers to come to the station for a “talk.” These procedures were never included in any official documents – such as in those creating the DEAMs, or in official technical norms – but were common practice as identified in several studies carried out in different police stations for women throughout the country.<sup>10</sup>

According to Rifiottis (2004), this practice adopted by police women is far from the technique of mediation of conflicts, in that this technique involves the participation of an impartial third party, who promotes the dialogue between the parts in conflict, seeking to build an agreement that satisfies both parts. In the case of the mediations taking place in the police stations, the sustaining idea is to reprimand “deviant” behavior (taking as reference the performance of the assigned gender roles), accomplished by the use of authority that adverts/threatens the abuser with the risk of punishment in case of another transgression. Even if many police women still affirm that this practice includes a moment in which victim and abuser can manifest their opinion about the conflicts in question, it seldom leads to a free agreement firmed between the parts. Let it be noted that there is no legal support nor any official norm sustaining this type of agreement. However, it was common to find in DEAMs the “terms of good living” – documents firmed by the grieving parties and signed by the mediating police authority, sealing a compromise for the maintenance of peace and harmony in the family.

To some authors, this “dual perception” about the problem of violence leads to an “ethical conflict” (Debert 2002), given that DEAMs had become “conflict arenas” where policewomen, in the exercise of their daily activities, needed to make choices between exercising the tasks of their profession – file complaints and classify them as crimes, investigate, gather evidence, and arrest those guilty or responsible for the criminal acts – and respond to the specific demands, such as marital conflicts, which are not considered crime, but instead the result of people’s failures in assuming the responsibilities accorded to the roles they must perform in their family

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<sup>10</sup> Nobre and Barreira (2008) analyzed a formal experience of constitution of a “Nucleus of Mediation of Conflicts” that was in operation along with the DEAM of the city of Aracaju, capital of the State of Sergipe. This nucleus operated for two years as part of the Project of modernization of the state police, being de-activated with the sanctioning of LMP.



relations. Other authors have identified these activities as a “dilemma” which reveals the tensions between police work (criminalize violence) and extra-police work (social assistance to victims). To Machado (2002), police women do not necessarily perceive these activities as contradictory, although their execution follows different logics. According Machado, the degree of tension between these two different logics depends, to a large extent, on the specific profile of the police chief and of those she is in charge.

This dilemma or conflict to which the cited authors refer, results from the difficulty encountered by police women in applying punishment to men, who, not rarely, are described by their partners (the “victims”) as “a good father, who becomes violent when he drinks”, someone who “does not let anything go missing at home, but won’t let her hold a job”, etc. According to Debert (2006), in these cases there is a tendency for the police women in the DEAMs not to favor criminalization, giving back to the victimized women the responsibility of finding others means of solving the conflicts which are not regarded a “police problem”.

In reviewing the literature on Police work, it is possible to observe that these conflicts or dilemmas were actually potentiated by the discourse on the specialization of DEAMs. In this literature, police intervention of a more social character is regarded as part of police functions. Along with investigative and prevention activities, they constitute the functions that should be performed by the police in democratic societies (Poncioni 2006). Studies focusing on police action in Brazil have also confirmed these trends, showing that tending to domestic and neighborhood conflicts have always been part of the police routine. In São Paulo these activities are referred to as “zicas” (Mingardi 1992), as “feijoada” in Rio (Poncioni 2006), and “chinelagem” in Rio Grande do Sul (Poncioni 2006) – terms which are popularly employed to refer to loud discussions and minor fights, not included in the penal terminology – which grants them a minor status, even a derogatory, discriminated one, in police work.

It is well to point out that the DEAMs were initially created precisely to respond to the complaints regarding this derogatory and discriminative manner in which women were treated in common police stations when they went to file a complaint regarding violence in conjugal relations. As such, this social function of the police was not invented with the DEAMs, but precedes their creation, being often cited as justification for the eventual unsatisfactory performance in the responses offered to women.

National policies for confronting violence against women have been important in reconciling police activities geared towards criminalization and fighting crime with those of a more social character. This reconciling occurs in a context of discussions on the modernization of the police, in which preventive actions and the promotion of rights are highlighted (Norma Técnica de Padronização das DEAMS, 2006). In relation to the DEAMs, these discussions correspond to: (1) the insertion of DEAMs in the network of specialized services and intersectoral assistance; (2) the enlargement of police responsibilities in regards to the protection of women in terms of the specifications of Maria da Penha Law; and (3) the training of police women for

providing a so-called “humanized” assistance, geared towards the promotion of women’s rights through access to information on legal guarantees.

Despite these advancements in policies for combating domestic violence against women, and the corresponding changes in policies regarding public safety, services provided by the DEAMs, on a daily basis, continue to give greater emphasis to social rather than criminalizing responses. Recent studies have also shown (Jubb, Nadine et al, 2010; Pasinato, 2010) that women’s access to formal justice is met by a vision of justice which is built around traditional gender roles, according to which the protection of women’s physical integrity and individual rights should come second to the “protection of the family”. This “familist” conception of justice contributes to the reproduction of a patriarchal traditional model of the family, and to the non-recognition of alternative forms of family organization.

### ***The Special Criminal Courts and the trivialization of violence against women***

A number of studies of DEAMs mark the 1990s, particularly in relation of the introduction of the new legislation – law 9099/95 – pertaining to the Special Criminal Courts, better known as “JECRIMs”. It is well to remember that this legislation was introduced with the objective of enlarging the access to justice to the population at large by means of simplifying the processes involved, with the possibility of conciliation between the conflicting parties and the introduction of alternative penalties in lieu of imprisonment. These Courts tended to misdemeanors and crimes typified as “of less offensive potential”, incurring, at the most, on detention to up to one year. Although this covers more than 60% of the crimes and violations included in the Brazilian Penal Code and in the Law of Penal Contraventions, studies have shown that the cases that flooded the JECRIMs were mostly those regarded as of “minor bodily injury” resulting from traffic accidents and family conflicts (Azevedo 2000, Viana 1999, Kant de Lima 2003, Faisting 2003).

It seems that, in formulating law 9099/95, legislators were not aware of the complexities of occurrences of violence against women. Be it as a result of carelessness, lack of interest, or pure disinformation, they were not aware that more than 80% of the complaints filed monthly in the DEAMs corresponded to some of the crimes and misdemeanors to be tended to in the JECRIMs, among them, minor injuries, threats, and physical fights.

Almost immediately following the passage of this legislation, activists in the women’s and feminist movements, along with professionals involved in providing assistance to women in situation of violence, set in motion protests against it, denouncing it as contributing to the reproduction of violence against women in that it did not favor the prevention of violence nor the punishment of abusers. Worse still, they claimed that the application of this legislation to cases of domestic violence against women exacerbated the feeling of impunity and contributed to the perpetuation of prejudice and discrimination against women in Brazilian society

(Izumino 2003). As Fiona Macaulay argued, referring to general developments regarding domestic violence legislation in Latin America:

The new laws in the region have therefore reassigned domestic violence cases within the justice system in three ways: from the police stations to the courts, from mainstream criminal courts to family or civil courts or to small claims/fast track criminal courts that employ procedures more typical of civil courts, and from criminal prosecution to conciliation and mediation. As a result, cases are currently handled either exclusively within the criminal courts, exclusively within the family or civil courts, or in a combination of the two. This article argues that this process of hybridised judicialisation has been highly problematic. On the one hand, it appears to validate the victims' complaints by shifting the locus of the State's intervention into a high-status terrain, that of the courtroom. On the other hand, the new procedures adopted in both criminal and non-criminal courts for processing domestic violence incidents have effectively decriminalised and downgraded this form of social violence, despite the apparently more precise operational definitions of domestic violence detailed in law. This was not foreseen by local women's movements, which had been more focused on social policy provision and on the symbolic importance of passing new legislation than on the legal procedures that would result. (Macaulay 2005:104-105).

Indeed, in the wave of protests against Law 9099/95 and the JECRIMs, two different arguments were recurrent. The first was related to the trivialization or “downgrading” of violence against women, seen as resulting, on the one hand, from classifying it as a crime of “minor offensive potential” (Hermann 2000), and, on the other, from the triviality of the alternative sentences given as punishment of the abusers. As many studies showed, the few cases that did go through to the sentences phase ended with the payment of minor fines, primarily “baskets of goods” (*cestas básicas*) donated to charity organizations. In addition to not reverting to the benefit of the victims – neither in terms of material goods nor in securing their right to live without violence – this type of punishment reinforced the sense of non-gravity of the violence committed. This resulted in a process of re-“victimization” or “over-victimization” of the women, given that they were excluded from the terms of the judicial decision and their expectations ignored (Campos 2001).

During this period, the DEAMs formally lost their conciliatory role in solving domestic conflicts – though some still continue to act as conciliators and in offering psychological assistance to victims. However, in accordance with Law 9099/95, it was up to the police to register the complaints, but the police inquests were substituted by the *Termo Circunstanciado de Ocorrências (TCO)*, or “Detailed Occurrence Term”, that is by a document that synthesized information about victims and abusers, and included a brief description of the occurrences, dispensing with witnesses in the police phase of the process. Following the principle of “celerity” implied in this legislation, once registered, the Detailed Occurrence Term or “TCO” was immediately sent to the JECRIMs, thus shortening the period of its permanence in the DEAM and emptying the space for negotiations previously created between the filing of the complaints and the instauration of the police inquiry.

Of course, police women were not happy with this state of affairs. Throughout the history of the DEAMs, they had grown accustomed to act as mediators in these conflicts, exercising the role of moral authority in these affairs, more often than not, a role expected by the victims themselves. In these circumstances, the threat of instauration of a police inquiry with penalization of the abusers on the part of the police worked as means of curtailing the violent behavior of the abusers. When they agreed to contain themselves, the filed complaint was disregarded and the inquiry was aborted. In addition to this type of mediation, police women also adopted the measure of sending the offenders for treatment against alcoholism, when that seemed to be the factor triggering violent acts. With Law 9.099/95, there were changes both in the judicial proceedings as well as in the sentences, namely, the introduction of the alternative sentences. With the new law, the application of these measures became the prerogative of the Judiciary System, thus reducing the role of the police. Resenting their “loss of power”, many police women joined the feminist outcry against this legislation, affirming that their hands became “tied” in face of domestic violence and its recurrence, as they were no longer allowed to call in the abusers for “a little talk”, nor to send them for treatment. All they could do was file a TCO.

Studies conducted in DEAMs during this period suggested that the resentment of police women against Law 9.099/95 and to the loss of power that came with it, found different forms of expression (Izumino 2003, Debert e Beraldo Oliveira 2007, Cunha 2008). They included lack of care on their part in transmitting information about women’s rights to the victims and about the judicial proceeding, carelessness in registering the TCOs, and, far more serious, a tendency to homogenize the reported crimes, diminishing the more serious offences so as to classify them within Law 9099/95. As a consequence, the Judiciary system followed suit in trivializing the cases and denying women their due access to justice, such that the greatest part of judicial proceeding ended up being filed away for lack of proof or for absence of due criminal representation on the part of the victims, that is to say, for lack of their formal consent to follow with the criminal process.

These aspects gain greater importance when we consider that Maria da Penha Law incorporated many measures that revert the situation described above in relation to the poor application of Law 9.099/95. Among them, is the automatic criminalization of acts involving physical injury (no need for the formal consent of the victim), and of the police inquiries as part of the judicial process, which make it impossible for cases of domestic and family violence against women to be judged by the JECRIMs.

But it is well to note that, despite the problems and critiques raised by the application of Law 9099/95, the number of women who sought the DEAMs during the period this law was enacted continued to grow, showing that for the women involved the DEAMs remained the major space of reference to denounce the violence they suffered and to seek help and information in realizing their rights (Izumino 2003).

It is also important to observe that during the period of application of Law 9099/95, DEAMs began to be regarded as the major public policy for confronting violence against women. In the years 2000, the first national studies on DEAMs and their conditions of functioning were carried out (CNDM 2001; SENASP 2003, 2004 and 2006). Other studies were also conducted regarding the degree of institutionalism attained by DEAMs within public safety policies (Debert and Gregori 2006), and of the strength showed by feminist and women's movements in defining these policies (Piscitelli 2006). These studies have offered important data and observations for the current debate on the implementation of Maria da Penha Law. With them it is possible to discuss the performance of DEAMs and the limits of their intervention, distinguishing the material obstacles from those that are conjuncture-related and emanate from the new police attributions defined by Maria da Penha Law. In this manner, the debate on DEAMs is enriched, contributing to more solid changes in the policies for confronting violence against women and their access to justice.

### ***From DEAMs to the National Policy for Confronting Violence Against Women***

As previously noted, DEAMs do represent not only the first public policy to tend to women in a situation of violence, but also the one that has been functioning, without interruptions, since 1985, when the first such police station was created in São Paulo. This pioneering experience was replicated in other cities, in all Brazilian states.<sup>11</sup> To evaluate the expansion of DEAMs throughout the country, it is important to look at some reports elaborated during the 1990s and the years 2000.

The report prepared by the Parliamentary Inquiry Commission on Violence Against Women (BRASIL, Câmara dos Deputados 1993), for example, states that, in that year (1993), there were 125 police stations for women in the country. In 2001, however, the first profile of police stations for battered women, compiled by the National Council on Women's Rights (BRASIL, Conselho Nacional dos Direitos da Mulher 2001), identified a total of 307 such units. And a recent survey carried out by the Secretariat of Public Policies for Women (BRASIL, SPM 2010) accounts for the existence of 475 DEAMs and special police posts ("Postos de Acolhimento") in the year of 2009.<sup>12</sup> Of course, this expansion was not linear; in

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<sup>11</sup> It was not only in Brazil that Police stations for women gained notoriety. The "Brazilian model" was also reproduced in countries of Latin America and Asia. See, for example, Amnesty International's discussion of the experience with specialized Police services to women in situation of violence in different countries (<http://www.amnesty.org/>). For a review of the literature on police stations for women in Latin America, see Jubb, Nadine and Izumino, Wânia Pasinato (2002). For a comparative analysis of Police stations for women in Brazil, Equador and Nicaragua, see Jubb, Nadine et al, 2010 . Information on these studies can be found at: <http://www.ceplaes.org.ec/AccesoJusticia/>

<sup>12</sup> SPM has worked with a wide concept of network of services for women in situation of violence, including special posts for assistance to women in situation of violence within regular Police stations.

point of fact, a number of stations and posts were closed in this period. There was also variation in time as to the rate of creation of new such stations.

**Table 1 – Evolution of DEAMs in Brazil – 1993/2009**

<b>Year</b>	<b>Total of DEAMs</b>
1993	125
2001	307
2009	475

Indeed, the survey of DEAMs in the state capitals and in the Federal District, recently concluded by OBSERVE (Gomes, Tavares and Sardenberg 2010) has identified a total of 42 units, of which 70% were created in the 1980s, 15% in the 1990s, and 15% in the years 2000, as displayed in Table 2 below:

**Table 2 – Period of Creation of DEAMs in State Capitals  
Brazil – 1985 -2009  
N= 42**

<b>Period</b>	<b>% DEAMs Created</b>
1985-1989	70%
1990-1999	15%
2000-2009	15%

Source: OBSERVE 2010

In any event, it is important to note that the creation of DEAMs in the years 2000 is linked to the passage of Maria da Penha Law, as nearly all of the new units created in this period date from 2006 on up. This is the case of the city of Salvador. Despite the fact that Salvador is the 3<sup>rd</sup> largest city in Brazil, with a population of more than 3,5 million people, it went for 23 years with one single DEAM, which was created back in 1986. It was only in 2009, after

considerable pressure from local feminist and women's movements, and policy incentives on the part of the Secretariat of Public Policies for Women, that a second such unit was created.<sup>13</sup>

At present, the number of DEAMs existing in the country – around 475- is significant and expresses the level of social recognition achieved by these services. However, the distribution of units throughout the country is considerably uneven. The MUNIC study – Profile of Brazilian Municipalities, conducted by the Brazilian Institute of Geography and Statistics (BRASIL, IBGE 2009),<sup>14</sup> revealed that only 397 municipalities or counties have police stations for women, which corresponds to only 7% of all Brazilian counties. Furthermore, when the distribution of these counties within the national territory is taken into account, it is possible to have a glimpse of some of the 'spatial' or physical difficulties faced by women in having access to these services.

Let us look at some of the figures. State capitals and the Federal District account for 11% of these units, but in 21 capitals we find only one DEAM in operation. In Natal (State of Rio Grande do Norte), Maceió (State of Alagoas), and Salvador (State of Bahia) there are two DEAMs each, and in Teresina (State of Piauí) and Rio de Janeiro (State of Rio de Janeiro), there are three. The city of São Paulo (State of São Paulo) has nine DEAMs (OBSERVE 2010), but still not enough, considering that it has more than 12 million residents. Besides, as displayed on Table 3, despite the large population, São Paulo only counts with one Special Court for Domestic and Family Violence Against Women.

Overall, the greatest concentration of DEAMs is to be found in the Southeast Region, where there are DEAMs in 192 counties (this figure corresponds to 11,5% of the total counties in the Region). Again, the greatest concentration is in the State of São Paulo, where 129 DEAMs are located, distributed over 120 counties. In the opposite end is the Northeast Region where only 65 municipalities have DEAMs, which corresponds to 3,6% of municipalities of the region. In considering the existing distribution, it can also be seen that the smaller the place, the less likely it will have a DEAM: 79,6% of those that have DEAMs have more than 50 thousand residents. In other words, women who live in small counties are much less likely to have access to justice in cases of domestic or family violence.<sup>15</sup>

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<sup>13</sup> On the creation and situation of DEAMs in Bahia, consult Aquino (2002), and Aquino (2006).

<sup>14</sup> Available in the sites of IBGE ([www.ibge.gov.br](http://www.ibge.gov.br)) and SPM ([www.sepm.gov.br](http://www.sepm.gov.br))

<sup>15</sup> To amplify women's access to specialized services, the National Pact to Confront Violence Against Women proposes the capilarization of the national policy in this regard be implemented by means of the creation of inter-municipal consortia, such that the population of more than one municipality can be collectively assisted by the existing services.

State Capitals	# of DEAMs	# of Special Courts	Total of Basic Services for LMP
<b>North Region</b>			
Belém	1	1	2
Macapá	1	1	2
Manaus	1	1	2
Palmas	1	0	1
Boa Vista	1	0	1
Porto Velho	1	0	1
Rio Branco	1	0	1
<b>Sub-TOTAL</b>	<b>07</b>	<b>03</b>	<b>10</b>
<b>Northeast Region</b>			
Aracaju	1	0	1
Fortaleza	1	1	2
João Pessoa	1	0	1
Recife	1	1	2
Teresina	3	0	3
Natal	2	1	3
Maceió	2	1	3
Salvador	2	1	3
São Luís	1	1	2
<b>Sub- TOTAL</b>	<b>14</b>	<b>06</b>	<b>20</b>
<b>South Region</b>			
Porto Alegre	1	1	2
Curitiba	1	1	2
Florianópolis	1	1	2
<b>Sub—TOTAL</b>	<b>03</b>	<b>03</b>	<b>06</b>
<b>Mid-West Region</b>			
Distrito Federal	1	4	5
Goiânia	1	1	2
Cuiabá	1	2	3
Campo Grande	1	1	2
<b>Sub-TOTAL</b>	<b>04</b>	<b>08</b>	<b>12</b>
<b>Southeast Region</b>			
Rio de Janeiro	3	3	6
São Paulo	9	1	10
Belo Horizonte	1	2	3
Vitória	1	1	2
<b>Sub-TOTAL</b>	<b>14</b>	<b>07</b>	<b>21</b>
<b>TOTAL</b>	<b>42</b>	<b>27</b>	<b>69</b>

**Table 3 - Number of DEAMs and Special Courts by State Capital and Region**

### *Material Resources and Infra-structure*

To advance in our reflections on the scope of action of the DEAMs, it is important to draw from the results of national surveys regarding their conditions of functioning, which not always



are favorable to the women who seek their services (CNDM, 2001; SENASP, 2004, 2005 e 2007, Gomes et al 2009, Gomes, Tavares and Sardenberg 2010).

According to the information systematized in the document “Mapping of Women’s Police Stations in Brazil” (*Mapeamento das Delegacias da Mulher no Brasil*, Pasinato and Santos, 2008), the first national survey, which was undertaken in the year 2000, showed that a good number of these stations were operating in very poor conditions, without the needed equipment and institutional support (BRASIL, CNDM 2001). The lack of equipment ranged from those specific to police activity, such as police cars (19,1% of the DEAMs declared that they did not have a police car) and arms (not available in 32,6% of the surveyed DEAMs), to those necessary to administrative functions, as was the case of computers, absent in 31,4% of the DEAMs, and phone lines, not present in a total of 20,6% such units.

Surveys conducted by SENASP – the National Secretariat for Public Safety in the following years (2004, 2005 and 2007) showed some improvement in these items, partly as a result of investments made by the Federal Government to better equip these police units. In 2010, the survey conducted by OBSERVE (Gomes, Tavares and Sardenberg 2010) verified that in the surveyed DEAMs operating in state capitals, the basic equipments needed for smooth operations were present in more than 70% of them.

Of course, the existence of needed material resources in the appropriate quantity and conditions of use is indicative of the conditions of service that women get in the stations. It also indicates the level of inclusion of these police stations in budgets for public safety policies. But it is important to note that in addition to equipment, adequate space and spatial arrangements are also relevant features, particularly in creating – or not – an environment which is more receptive and inspiring trust. For instance, separate waiting rooms for victims and aggressors, so that the women will not have their courage to file a complaint mined by the fear of being in the same room as their aggressors.

The survey recently conducted by OBSERVE (Gomes, Tavares and Sardenberg 2010) has shown that in the state capitals there are some very well equipped and spatially arranged DEAMs. As depicted in Table 4, however, they do not constitute the majority. To the contrary, many of the DEAMs visited in that study operate in buildings in need of maintenance, and do not offer some very basic features. For example, some of the DEAMs visited lacked clean and proper toilets, did not have toilet paper and soap, no water nor water cups available to the public, not enough chairs in the waiting rooms, and no separate spaces for victims and aggressors. These aspects gain greater importance when we consider the fact that to file complaints and attend hearing, women usually spend a long time in the DEAMs – sometimes up to 6 hours – and that they often have small children with them. In addition to the discomfort to the women who seek help, the inadequacy of the physical installations also serve as a source of disincentive to the professional and other personnel working in the police stations. The lack of proper equipment and of nice work surroundings is regarded as a

reflection of the lack of prestige accorded to these specialized units within the police force – even if these conditions are not necessarily unique to DEAMs (SENASP 2006).

**Table 4**  
**Features in Spatial Distribution of DEAMs in State Capitals**  
**Brazil, 2010**

Features in Spatial Distribution	% of DEAMs that have them	% of DEAMs that do not
Waiting Room for Victims	65%	35%
Waiting Room for Aggressors	85%	15%
Room for Juridical Assistance	82.1%	17.9%
Room for Psychological Assistance	51.3%	48.7%
Room for Social Worker Assistance	64.1%	35.9%
Leisure Room for Staff	78.9%	21.1%
Jail Installations	59%	41%

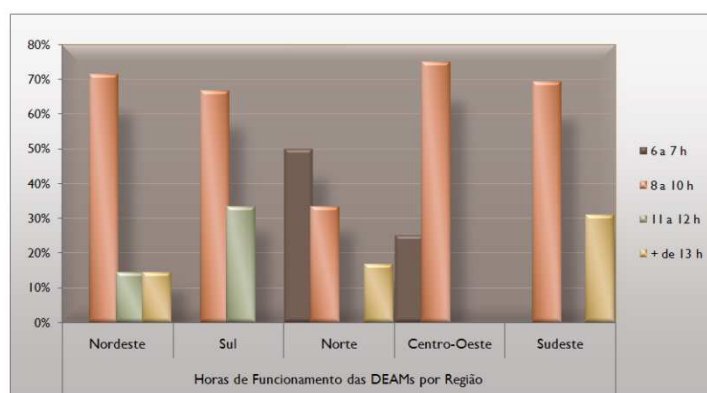
Source: OBSERVE 2010

### *Working Hours*

One of the major factors contributing to the long hours women face waiting for service in the DEAMs is the limited hours of daily operation of these units. The study conducted by OBSERVE (Gomes, Tavares and Sardenberg 2010) in the state capitals found that close to 65% of the DEAMs surveyed keep extended office hours, operating from 8 to 10 hours per day (usually from 8 am to 6 pm), from Monday through Friday. However, some, such as those situated in Porto Alegre and Manaus, close during lunch hours, limiting even more the number of hours that women can seek their services.

**Figure 1**

### **Average Daily Working Hours of DEAMs per Regions – Brasil 2010**

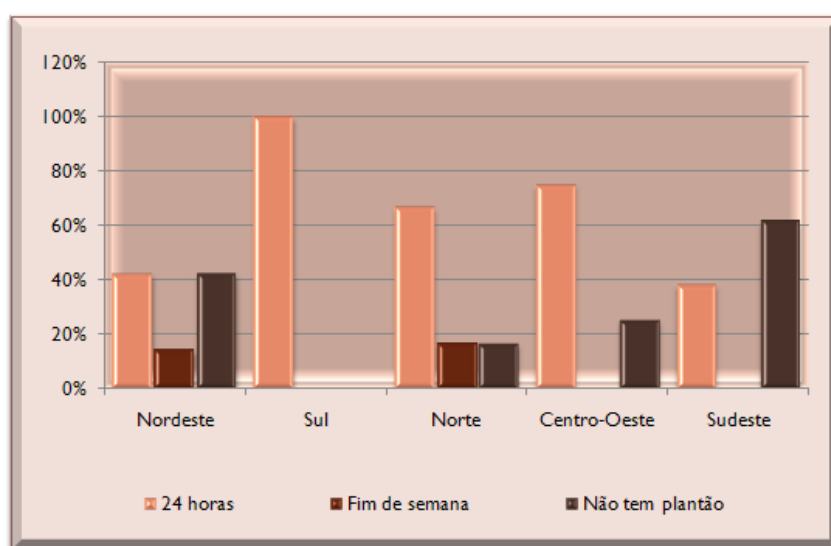


Source: Observe 2010

The existence of 24 hours, round the clock shifts or “plantões” was verified in 21 DEAMs (52.5%), 3 others only offering them on weekends. However, it is well to note that the number of hours of operation and the special shifts vary by region and locality. In the state capitals of the South Region, all 3 DEAMs work 24 hour shifts, whereas in the city of São Paulo, only the major unit offers round the clock services.

**Figure 2**

**24hs Daily Shifts and Weekend Services in DEAMs per Regions – Brasil 2010**



Source: Observe 2010

It should be stressed that 24hr services in the DEAMs is a long standing demand of feminist and women’s movements, as it is a crucial means of offering assistance to women in situation of violence – indeed, aggressors do not act simply during “regular” working hours. However, our survey showed that, in certain states, there is a tendency at work towards diminishing the period of functioning of these units, by creating 24h units to tend to all police cases. The problem is that some of these units merely register complaints, not being equipped to tend to other needs such as the issuing of protective measures.

***Public Assisted by DEAMs and Specific Competences***

In analyzing data concerning the type of public that receives assistance in the different DEAMs, we find considerable variation. Whereas all the units visited tend to women 18 to 59 yrs old, in those cities where there are other specialized police stations, such as those for

Senior Citizens of for Youth and Children, the picture changes. Thus, we find that only 70% of the units visited in our survey tend to women 60 and older, and only 47,5% tend to young girls and female teenagers, even when Maria da Penha Law applies. Note, however, that 32.5% of DEAMs also take in children independent of their sex, and that the rules at play are often bended. Indeed, some of the police women interviewed in these stations affirmed that, despite age limitations, they will assist any woman who comes in for help.

It should be noted that, despite the existing technical norms and general rules regarding the public to be assisted, there is ample room for the local police chiefs to decide who they will consider for assistance. Thus, in cities with more than one DEAM functioning, there is considerable variation from one unit to the next in terms of rules. In the city of São Paulo, for example, where there are 9 units at work, 2 of them refuse to provide assistance to transvestites and transsexuals because “they are not women”. The other 7 do not discriminate against them, but will only assist these clients providing that their cases can be seen within the context of domestic and family violence.

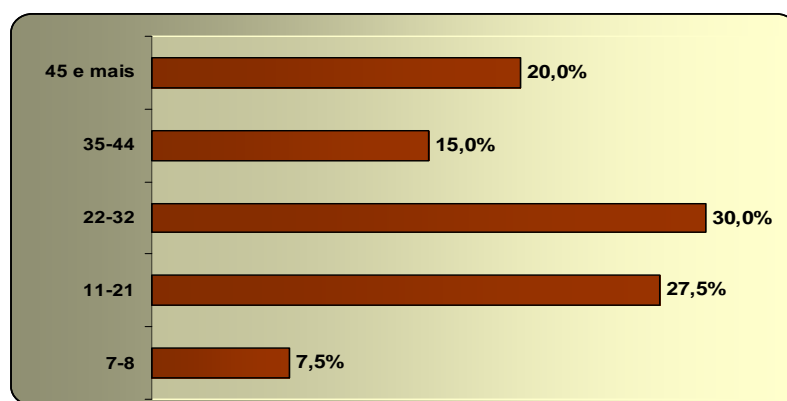
Insofar as the type of violence is concerned, the DEAMs visited have similar competences. All of them work with the crimes typified in Maria da Penha Law (physical, sexual, patrimonial, moral, and psychological violence), besides the crime of sexual violence, independent of the type of relationship existing between victim and abuser. Given that the majority of the DEAMs were created before the sanctioning of Maria da Penha Law, the stipulations regarding their specific competences had to be changed, particularly to include patrimonial violence within domestic and family violence.

Nevertheless, cases of homicide or attempted homicide can be filed in only 58% of the DEAMs visited in our study, and only when the perpetrator is known. Homicides perpetrated against women by an unknown party fall within the competence of Homicide Divisions of the respective State Police, and cannot be handled by DEAMs. There are also restrictions regarding the competence of DEAMs in dealing with national and international traffic of persons. Whereas 47.5% of the units are able to handle cases which fall within national limits, this percentage falls to 22.9% in the case of international limits. According to chiefs of the DEAMs that do not deal with this type of violence, international traffic falls within the jurisdiction of the Federal Police, State Police not having even a collaborative role in these proceedings.

### *Human Resources and Training*

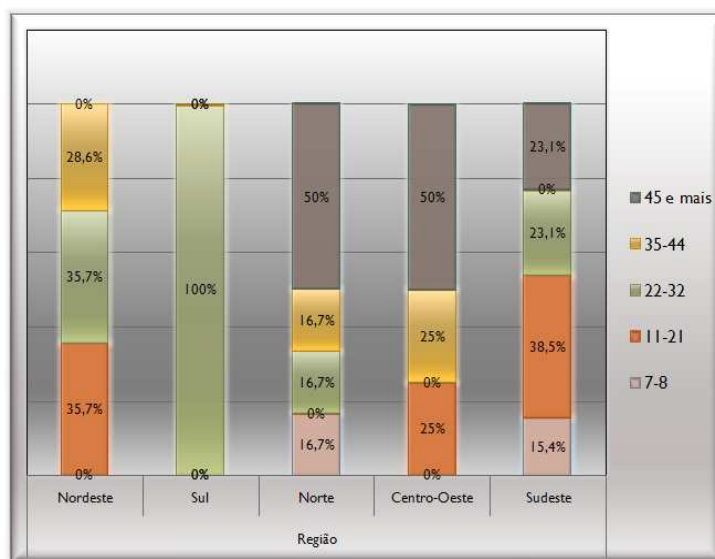
A major limiting problem in the functioning of DEAMs has always the shortage of staff available, be in terms of police officers, or “delegadas”, or investigators (“investigadores”) and clerks (“escrivãos”). However, our survey in units located in state capitals throughout Brazil showed a great variation. From DEAMs operating with only 7 (seven) tenured state functionaries – as in the case of Palmas (capital of the state of Tocantins), to those in Belo Horizonte with 79, Brasília with 73, and Macapá with 72. However, the major concentration (30% of DEAMs) falls within 22 to 32 regular staff workers.

**Figure 3 - Distribution of the number of functionaires by DEAMs in Brasil - 2010**



**Source: OBSERVE 2010**

Those DEAMs located in the North and Mid-West regions seem to be the ones with the largest number of functionaires, whereas those with the lowest are more concentrated in the Northeast. But there is significant variation between units in operation in one given city-capital; in these cases, there is usually one well-staffed central unit, and smaller units operating in peripheral neighborhoods, as in the case of the city of São Paulo that boasts a total of 9 DEAMs. Interestingly, all of the DEAMs in operation in the southernmost states averaged between 22-32 regular functionaires, which, as noted, falls within the average for the country as a whole.

**Figure 4 - Distribution of the number of functionaries in DEAMs by regions – Brazil 2010**

Source: Observe – 2010

Back in the mid-1980s, when the first DEAMs were created, it was prescribed that they be staffed by an all female police force. In addition, it was stipulated that women should receive integral assistance, provided by social workers, psychologists, and legal professional – all women – and that these services should be offered within the premises of the DEAMs, so that women would not have to go elsewhere for needed help in these areas. Nevertheless, although the study conducted by SENASP in 2004 found a majority of women working in DEAMs, there was a trend towards a greater presence of police men than it was originally prescribed. One of the factors that seemed to contribute to this effect was the fact that the female police force did not grow as fast as the numbers of DEAMs. In 2006, for instance, women represented only 22% of the civil police force in the country. In addition, there was a gendered division of labor in terms of the functions occupied by police men and police women. Whereas men were the majority among “delegados” (police chiefs) and “investigadores” (police investigators), women were predominant among clerical workers, such as “escrivãs” (SENASP 2006).

It is well to point out that the presence of men in the DEAMs assuming the “male typed” functions – such as investigators, police agents, drivers – responds to demands of women police chiefs (“delegadas”) themselves, who justify this demand in terms of the need of greater safety for DEAMs. They argue that men are better suited to take intimations in areas of the city considered rough, or to take police vehicles to the mechanics, etc. This demand reinforces a sexual division of labor around the gender typifying of functions and tasks around traditional gender roles – precisely those that sustain gender violence against women that the DEAMs deem to confront.

It needs to be stressed that after 25 years of DEAMs, it is possible to affirm that the quality of the attention given to women who seek their assistance is not directly related to the sex of the police person who assists them (Pasinato 2010). The differential comes from whether the police person in question has received appropriated training, knows the existing pertinent legislation on domestic violence and women's rights, and is sensitive to women's right to seek institutional help in putting an end to domestic violence. It is also important to have norms and protocols to assist the victims, independent of the police person's personal beliefs.

In accordance with these findings, SENASP, along with the Secretariat of Public Police for Women, has formulated a set of rules – the “Norma Técnica” or Technical Norms – to help DEAMs in offering the needed assistance. A first set was published in 2006, prior to the sanctioning of Maria da Penha Law (SENASP 2006), and a new one has just been released, incorporating the new legislation procedures (SENASP 2010).

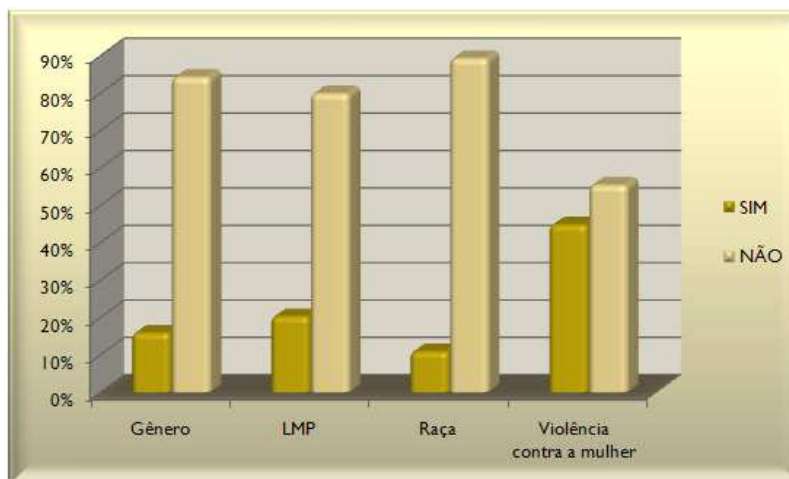
There has been considerable investment on the part of different organs and agencies towards training and qualifying police professionals. Notably, in addition no innumerable training courses, seminars, conferences and the like, promoted by feminist organizations in partnership with state and local governments, within the last few years, gender, violence and women's rights have finally entered as themes in curriculum of civil and military police academies. This move came from incentives created by SENASP in response to SPM's promotion of gender mainstreaming. A number of other important series of training and qualifying courses were introduced with the sealing of the National Pact to Confront Violence Against Women (“Pacto Nacional de Enfrentamento à Violência Contra Mulheres”), promoted by SPM as well. Nevertheless, despite all the effort, the impact of all this training has yet to become evident in terms of the quality of the assistance given to women who seek the DEAMs.

Indeed, the survey conducted by OBSERVE in DEAMs operating in state capitals throughout the country did not find a significant number of police staff that had received training on the issues at hand. It may be that the lack of sufficient information regarding the staff contributed to this finding. In point of fact, very little computed information exists about socio-biographic data regarding police staff and the kind of training they have received – only half of the questions included in the questionnaires regarding personnel were answered by DEAMs in our survey. It does appear that although adequate training of Police staff is a major demand of women's and feminist movements, DEAMs do not value this training in the same manner, not even in terms of keeping records regarding who, among those working in the premises, has in fact received the needed training to assist women in situation of violence. There is also little regard for computing information regarding the kind of courses offered and how they fared in terms of preferences in the specific DEAM.

It was possible to learn that in several of the cities visited there had been offered training courses for police personnel on Gender, Violence Against Women, Maria da Penha Law and on Race Relations. When asked, respondents affirmed that those on Violence Against Women

were the most sought after, but it seems mainly “delegadas”, women police chiefs, have benefitted from the courses offered. Nevertheless, whenever asked, police personnel informed that they enjoyed all courses offered by SENASP and that the training acquired through them was very important to their work.

**Figure 5 - Courses Offered in Terms of Specific Themes per Region - Brazil 2010**



Source: OBSERVE 2010

In any event, it may be concluded that the courses offered did not have a significant impact in the local forces and in their services towards women. One of the major factors for that is probably the lack of institutional policies to offer incentives for people who work in the DEAMs, vying improvements in the kind of assistance they offer. There are also no apparent efforts in that regard on the part of State Secretariats of Public Safety when assigning and allocating personnel to work in these units. In point of fact, it seems that DEAMs have become a “dumping space” for people waiting for retirement or for those who have “caused problems” elsewhere. Thus, in addition to the number of those who have received special training being small, those who do do not receive any kind of incentive of valorization to apply the knowledge acquired in their daily work tending to women in situation of violence. Furthermore, it is commonly agreed within the police that the needed knowledge in police work is “acquired with practice”, an attitude that contributes to the reproduction of discriminatory demeanors and postures towards the women who seek help, as well as to assisting them as being regarded as a mere bureaucratic task.



### *DEAMS and Inter-sectoral Policies and Services*

It is important to recall that, initially, DEAMs were expected to provide space for specialized psychological, social, and juridical assistance to women. The idea behind this was to offer women the possibility of finding, in one single place - and, thus, of avoiding extra transportation costs and use of time – all types of integrated assistance and information to give women the strength and support they needed to register their complaints against their abusers and rise above the violence suffered. As seen, however, the definition of these services never followed a unique model, neither as far of DEAMs were concerned, nor in terms of sending the women to where these were or could be offered. On the part of the civil police, the non provision of these services, to a great extent, resulted from the lack of trained professionals, such as psychologists and social workers, among the forces. The solution found, in several instances, has been the establishment of partnerships between police and universities and colleges for providing the services by means of student internships. However, there are no systematic evaluations of how this solution impacted on the services and to what a degree it provided women with the conditions for empowerment in fighting violence in their lives. Nor are there studies of the impact of the contribution of volunteers, another means of solving the lack of trained professionals to work in DEAMs, and how their contribution has impacted on women's lives.

In the absence of formalized routines and protocols to evaluate the flow of women in need of assistance throughout the network of existing services, and, in fact, of technical norms regarding the assistance that is to be provided, it is difficult to analyze their role in meeting women's needs. It is known that, not rarely, instead of complementing, they cancel each other, due to conflicting approaches, and distinct objectives pursued in such proximity in a common space. In some cases, in verifying the situation of violence and desolation experienced by the women, the desire to help them ends up reducing the attention given to the simple adoption of emergency measures with a strong charity-like, patronizing orientation.

During the period 1980-1990, public policies geared towards confronting violence against women were discontinuous, and based solely in the binomial “DEAM-shelter” (Godinho and Costa 2006). It was only in the years 2000 that the theme “integral attention” to women in situation of violence brought new approaches. The National Policy for Confronting Violence against Women introduced the concept of the network of specialized services, bringing the needed political, theoretical, and financial resources to articulate it. The impact of this new policy can be measured in numerical terms: whereas in 2003 there were only 42 battered women's shelters, but 2009 this number came to 68. Likewise, in the same period, the number of Reference Centers for Women in Situation of Violence rose from 36 to 146, and the Defense Nucleus to Combat Violence Against Women, that gave women needed legal support, from 4 to 56. In 2003, there were no similar Prosecuting Nucleus; at present, there 19. And, since the sanctioning of Maria da Penha Law, 147 Special Courts for Domestic and Family Violence Against Women have been created.

**Table 5****Evolution of Additional Services to Women in Situation of Violence****Brasil – 2003-2009**

	<b>2003</b>	<b>2009</b>
Women’s Shelters	42	68
Reference Centers	36	146
Defense Nucleus	4	56
Prosecution Nucleus	-	19
Special Courts	-	147

Source: SPM 2009

No doubt, the numbers are still timid in face of the size of the Brazilian female population and of the complaints of domestic and family violence being filed daily in the DEAMs. However, the numbers are steadily rising, and count with significant financial and political support from the Federal Government. In addition, there is some progress as well in the conception of “network of assistance”, such that these services break with their isolation in working within the perspective of institutionalization of flows, integration of services and inter-sectoral relations, and gender mainstreaming in public policies. Needless to say, there is still a long way ahead before we can speak of well articulated networks potentiate human and material resources to offer an integral, faster, and better adjusted assistance to women in situation of violence.

Indeed, even in Cuiabá, capital city of the State of Mato Grosso, regarded as a model in terms of “good practices” in the implementation of Maria da Penha Law, the network of services lacks in terms of internal articulation. As observed by Wania Pasinato (2010:104):

“There is not an articulated network of services in Cuiabá, despite the understanding of the Judge and of the Prosecutor that it works insofar as their “decisions are followed”. Not even an integration between the Police and Judiciary is certain. Although both “delegada” and judge affirm there is good communication between the two services, there is no shared knowledge between them as to the flows and decisions that take place in each one of the two spheres of action, which continue to have independent dynamics. Thus, the “delegada” does not know how many cases come to condemnation, and the judge does not know how long it takes to conclude a police inquiry.

Since there is no articulated network, there is not a flow of information among the services. Judicial officers do not know how many women are in the Casa de Amparo (shelter), the workers at Casa de Amparo are not aware of the judicial conclusion of the women who have stayed there; and other services do not know of the history of women’s stays in the Casa de Amparo...women go once, twice, three times without being able to break with the situation of violence.”

*Lei Maria da Penha: new attributions and old practices*

As noted earlier, Maria da Penha Law introduced significant changes in the role of the police in confronting violence against women, particularly in the case of domestic and family violence. These changes directly affect the daily routine of the DEAMs, as they remain the major reference to women in situation of violence. Let it be noted that in discussing the Police attributions in the new law, the legislative referred to Civil Police in general, although in Article 35, par. III, it is included a recommendation for the creation of Specialized Police Stations, along with other services that should be a part of the Network of Assistance to women in situation of violence. This means that the application of Maria da Penha Law is not the exclusive competence of DEAMs, but should be applied by all police stations in the country, and in support of all women who live in a situation of domestic and family violence, and who demand institutional responses to this situation.

In practice, the new attributions resulted in the growth of the volume of work for police stations, particularly to DEAMs. However, despite the new legislation being in force now for nearly four years, very little is still known as to how the new competences are being incorporated in police routine. Up to now, few studies have been conducted in this regard. In point of fact, what is known only comes up when the media focuses on DEAMs as result of high profile cases, or when the police fails to fulfill its role, such as mentioned earlier.

In face of this situation, only a few observations can be made regarding the impact of Maria da Penha Law in Police routine. As noted, the aspects pertaining to Police attributions and authority are contained in Chapter III of Maria da Penha Law, articles 10, 11, and 12, specifically. In addition to the filing of Police occurrences and proceeding with police inquiries to gather evidence against the suspects, civil police authorities must also act in the application of urgent protective measures, whenever the women ask for them, or whenever, through their reporting, severe risk factors of bodily harm to them or their families are identified. These measures are, in great part, of a “civil” nature, that is, they involve restrictive measures, such as preventing contact between abuser and victim, and measures for child custody and child support. It is also part of police responsibility to ensure that women receive proper medical treatment and protection, which may involve transferring them to Women’s Shelters.

With these alterations, police is now called to act in the two different immediate intervention fronts. Protective measures need to have a fast response, and once the solicitation for them is registered, they must be immediately forwarded to the judge for evaluation. At the same time, police authority should start the police inquiry, giving it legal procedure. Another change introduced with Maria da Penha Law refers to the possibility of imprisonment of the abuser in “flagrant act” in cases of domestic and family violence against women, a procedure which was previously rarely employed by DEAMs.

With the new attributions, police assumes an even greater role in women's access to criminal justice, as well as in relation to those measures of a more immediate nature, particularly those geared towards ensuring protection of the victims and their families. Likewise, police's roles have also been amplified in terms of giving protection to women in transporting them to shelters and hospitals, and in their safe return. As such, the new legislation not only ratifies police activities related to the repression of gender based violence against women, but recognizes and formalizes police activities in protecting women and preventing violence against them.

Given the enlargement of police responsibilities with the new legislation, it would be expected that this would be followed by efforts towards creating the conditions for better functioning of DEAMs, both in material as well as human resources, as well as in terms of the formulation of norms and decrees to regulate their daily routine. These efforts could constitute a means of demonstrating the interest and commitment of public powers towards guaranteeing women's rights regarding a life without violence. Unfortunately, this has not been the case. Changes are coming, but too slowly, and in certain sectors, such as in the police and judiciary system, changes in institutional routines and practices have become obstacles in women's access to justice regarding domestic and family violence.

As the data shown in this report reveals, despite the growth in the numbers of DEAMs all over the country, their spatial distribution remains unequal, the majority of the units being concentrated in big urban centers, and in the Southeast, leaving large percentages of women without the needed access to these services. Furthermore, it seems clear that improvements in material and in human resources have not been sufficient to meet the growing demand for the services of DEAMs, which accounts for the fact that they constitute the major focus of the complaints recorded in the phone hotlines ("Ligue 180") created by Secretariat of Public Policies for Women (Bonetti, Pinheiro and Ferreira 2008).

From the data available, it is possible to conclude that the sanctioning of Maria da Penha Law was not accompanied by the needed investment on the part of state governments to improve the quality of services and their capacity to respond to women's needs. Of course, this lack of initiative is indicative of the lack of interest on the part of these governments in dealing with the problem of violence against women. The lack of investments does not fall only upon the police, but it is more obvious in this case since DEAMs play a more public role in the process. It is hoped that the National Pact to Confront Violence Against Women bring the necessary political and financial incentives for the effective implementation of Maria da Penha Law.

This should also revert to better training of the police force. Indeed, women who seek DEAMs are met by police personnel who lack the needed training and the will to make the new legislation work to women's benefit. Analysis of the complaints recorded at the "Ligue 180" Hotline show that women complain of the poor quality of the services and for the lack of information provided to them regarding their rights and the procedures to be followed. They

also find little help in cases when they do not suffer bodily harm, which shows police mentality still operates within the previously mentioned logic, that distinguishes between police occurrences (crimes) from non police ones (social). It has also known that women have found many obstacles in getting protective measures, be it because of lack of information of this right, or for suspicion on the part of the police regarding what they believe might be women's "real" reasons in coming for help (Pasinato 2010, Bonetti et al 2009).

This shows as well that little or almost nothing has changed in terms of the way in which the police views violence against women. The meaning of Maria da Penha Law has not been incorporated in the work of police agents as it should, being translated merely as a legislation that brought more work to the police without the needed resources. Let it be recalled that many DEAMs were created before the passage of Maria da Penha Law, and thus in a period in which violence against women was still not legally defined as a crime, nor were there clear public policies to deal with women in a situation of violence. The isolation experienced by some of these units led them into molding their routine in a context of precariousness, without institutional and financial resources, and often isolated from the discussions on gender and violence. Consequently, as noted earlier, there was a proliferation of experiences of conciliation and mediation of conflicts, or even of patronizing assistance, which did not recognize women's human rights, protecting, instead, marriage and the family. In this context, the application of a law that puts women first and proposes the application of measures which not only protect them, but also guarantee to them placing the responsibility on their abusers is not easily accepted and incorporated in institutional practices. This explains, in great part, why police inquiries are conducted merely as bureaucratic activities, taking a long time to be concluded, and with no consideration of the specificities of domestic and family violence against women, that is to say, of the physical (and often affective) proximity between victim and abuser, and the need to apply short term measures to prevent new acts of violence.

Throughout the last 25 years since the first DEAM was created, this public policy has been defined and redefined, but it still faces a number of obstacles in fulfilling their main role, which consists in guaranteeing access to justice to women in situation of violence. Part of the shortcomings of DEAMs are due to the institutional isolation they suffer within the sphere of local public safety polices. Without their own budgets and a lack of clear definition regarding their attributions, these police stations find greater support from organized civil society and the population at large for their maintenance and survival, than from the secretariats of public safety of which they are a part.

Yet, despite the numerical shortages, their lack of material resources, and the poor qualification of the human resources available, DEAMs have attained great social visibility. In point of fact, opinion surveys carried out throughout the country within the last years have demonstrated the social recognition and popularity they have gained, figuring as the major alternative for women to confront violence. This is the case of the two major surveys conducted in 2006

(IBOPE/Institute Patrícia Galvão) and 2009 (IBOPE/AVON), according to which approximately 78% of respondents, among men and women, would advise a woman in a situation of violence to seek the help of a DEAM. Similar results were found in Belo Horizonte in a survey of women 19 to 50 years old. Faced with a hypothetical situation as to which institution they would look for to obtain help in the case of violence in conjugal relations, 80% of those interviewed affirmed that they would go to the nearest DEAM (Pasinato and Santos 2009). According to some analyses, these results could indicate more of an idealized way in which society sees DEAMs (Bonetti, Pinheiro and Ferreira 2008), than effectively the kind of assistance they offer, given that, as previously noted, the number of existing DEAMs is not sufficient to respond to the high demands, nor do they have the needed material and human resources.

In this respect, one of the strongest points in support of DEAMs is the degree of credibility that they have built among the population at large and among the women who use their services, which can only result from the important contribution of these police units to give visibility to the problem of violence against women in Brazilian society. In the next section, we will look into the experience of women who sought the help of DEAMs in nine different capital-cities, representing all Brazilian regions.

#### **IV- Women Who Seek Justice Through DEAMs**

In a study of the calls recorded during the year 2008 by the *Central de Atendimento à Mulher – Ligue 180*, the hotline created by the Secretariat of Public Policies for Women in 2005 to respond to and give information to women in a situation of violence, Bonetti et al (2009) noted that close to 90% of the complaints registered were directed against DEAMs and to “number 190”, a hotline to the military police for emergency situations, including those of domestic and family violence against women. The complaints regarding DEAMs spoke of the lack of training and compromise on the part of the police in applying Maria da Penha Law, and on the inadequate assistance offered, particularly in reproducing gender stereotypes. Similar complaints are to be found in discussion communities on violence against women in Orkut, a social relationship on-line network, where women have complained about sexism and discrimination of the part of police in DEAMs in dealing with their particular cases (Sardenberg 2010b).

As seen in the previous section, however, these problems and complaints about DEAMs are not a novelty. But it is important to observe that both in terms of their numerical increase over the years, as well as of their contents, the complaints registered indicate a growing awareness of their rights on the part of women, particularly as to their rights to access to justice when they find themselves in situation of domestic violence.

In what follows, we look at the experiences of women in Brazil who seek police assistance to break with this situation. We focus, in particular, on women's perceptions regarding the assistance offered at the DEAMs, as well as their degree of knowledge about Maria da Penha Law. The discussion is based on the results of semi-structured interviews conducted among women who placed complaints in existing DEAMs in nine Brazilian state capitals.

The interview schedule was organized around four central themes that served as guides for the narratives offered by the women. The first theme pertained to women's experiences in seeking support at the DEAMs, what motivated this decision, and how long it took them to take it between after suffering violence. The second focused on women's expectations regarding the DEAMs, their perceptions as to the kind of support service they did in fact receive, they types of orientation and follow up information they were given, and their views regarding the contribution of these police stations to combating domestic violence against women. The third theme focused on their knowledge about the network of support services to women victims of violence, and, in special, as to their rights included in Maria da Penha Law.

The fourth and last theme sought to obtain information to delineate the profile of the women interviewed, which is discussed next.<sup>16</sup>

### *Profile of the Women Interviewed*

Taking into consideration Brazil's wide geographic dimensions and the diversity of life conditions and access to goods and services throughout its territory -- especially in regards to services and access to justice of women in situation of violence -- this study sought to listen to women resident in state capitals of all the five regions, as follows: Manaus (in Amazonas) and Boa Vista (Roraima) in the Northern Region, São Luis (Maranhão), Teresina (Piauí) and Salvador (Bahia) in the Northeast, Campo Grande (Mato Grosso do South) in the Mid-West, São Paulo (São Paulo) and Belo Horizonte (Minas Gerais) in the Southeast, and Porto Alegre (Rio Grande do Sul) in the South.

**Figure No. 6 – Brazilian Geographical Regions**



<sup>16</sup> In addition to the interview schedule, the local researchers also compiled a field journal following a common template, delineating information regarding the dates and conditions in which the data was collected, as well as their impressions and observations regarding the women interviewed and the interview process. See interview schedule in annexes.



Given time constraints and the impossibility of carrying out the survey with a more statistically representative sample, we opted for a qualitative approach to our study. Altogether, we interviewed a total of 231 women regionally distributed as follows:

**Table 6**  
**Distribution of women Interviewed per City and Region**

<b>Capital Region and City</b>	<b>Number of Women Interviewed</b>
<b>North</b> Manaus – 25 Boa Vista – 25	<b>50</b>
<b>Northeast</b> St. Louis - 25 Teresina - 25 Salvador – 25	<b>75</b>
<b>Mid-West</b> Campo Grande – 25	<b>25</b>
<b>Southeast</b> Sao Paulo - 30 Belo Horizonte – 26	<b>56</b>
<b>South</b> Porto Alegre – 25	<b>25</b>
<b>Total</b>	<b>231</b>

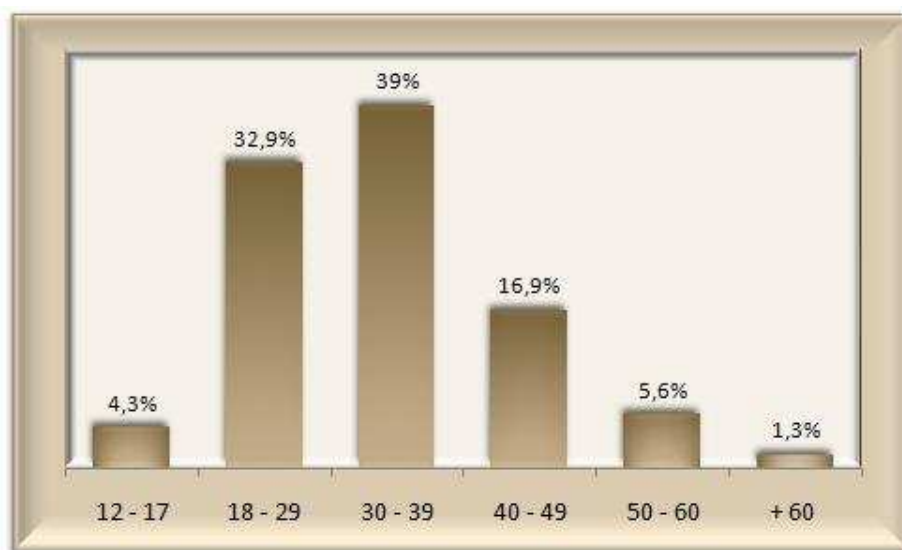
Source: OBSERVE 2010

This distribution took into account the number of states per region as well as logistics, such as the possibility of conducting the research near the DEAMs. In some of the units, such as the case of Brasília, police “delegadas” would not allow our researchers to talk to women filing complaints. They argued that the interview could have a negative impact, as it is already difficult for the women to build the courage to file the complaint. Nevertheless, respecting the ethical principles and the moment of weakness experienced by them, there was, in general, willingness on their part to participate in the study and, often, the conversation with the researcher was an opportunity to be heard and vent their pain, as well as of obtaining more information.

The interviews were conducted between June 10 – 29, 2010, at different times of the day. During this period, the researchers approached, randomly, women in situation of violence, immediately after they left the DEAMs. Thus, the sample includes women of different ages, levels of education, color, marital status, and occupation, representing different socioeconomic segments. This diversity offered the possibility of establishing proximities and differences among the women in the sample. The data obtained by the study, however, point out relevant issues and regional differences, indicating the need for further research.

As noted previously, DEAMs in Brazil tend to women of all ages; however, in cities where there are other Special Police Stations, such as Special Stations for the Elderly and for Children and Youth as in Salvador, DEAMs limit the public served only to women 18-59 years of age. In our sample, the age of the women interviewed ranged from 12 to 80, including eight girls under 18 (12, 15 and 16 years old each and another five at 17 years) and three women older than 60 (62, 66, and 80 years old). The predominant age group was between 30 and 39 years and 18-29 years, as shown in Figure 1. This situation is reversed only in the north, where 52% of women are in the range 18-29 years, especially in Manaus (68%) since, as reported by the researcher, younger women were more receptive to participate in the research, understanding it more as an instrument of denunciation of both the situation of violence experienced by them and in terms of the poor reception received in DEAMs.

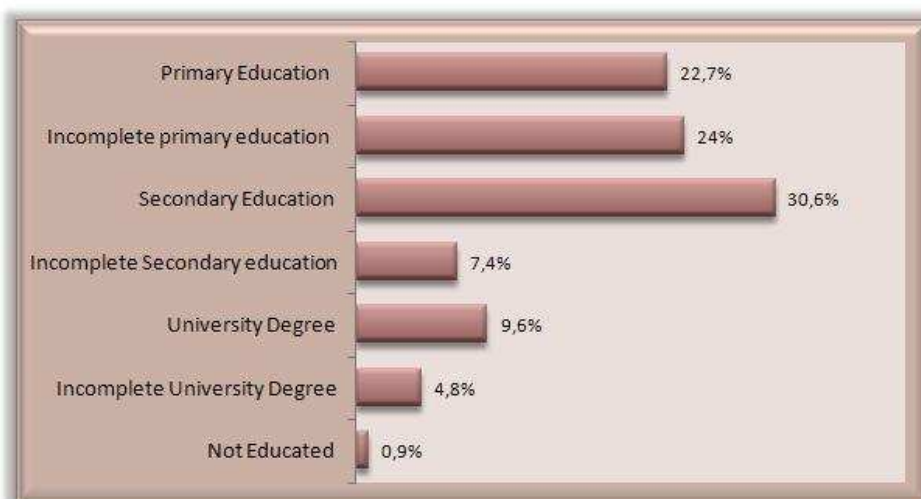
**Figure 07 - Age Brackets of Women Interviewed**



Source: OBSERVE 2010

In 2008, the average schooling of the Brazilian population, aged 15 and older, amounted to 7.4 years of formal schooling (IBGE, 2010). The average schooling of the female population aged 15 or more in Brazil, still according to the IBGE, is not much different: 7.6 years of study, with regional differences around an extra year for the Midwest ( 8 years) and Southeast (8.1 years), and less in the Northeast (6.6 years). This index assesses the Brazilian educational system regarding elementary education and incomplete elementary education.<sup>17</sup> Among our respondents, 46.3% corresponded to women with educational level corresponding to completed and incomplete elementary education. However, unlike the data for the population at large provided by IBGE, there was a greater number of women with secondary education, especially in the North and South (42 and 40% respectively). Nonetheless, only 22 women in our sample had university degrees, an amount which corresponded to only 4.8% of our total.

**Figure 08 - Distribution of Women Interviewed by Education Level**



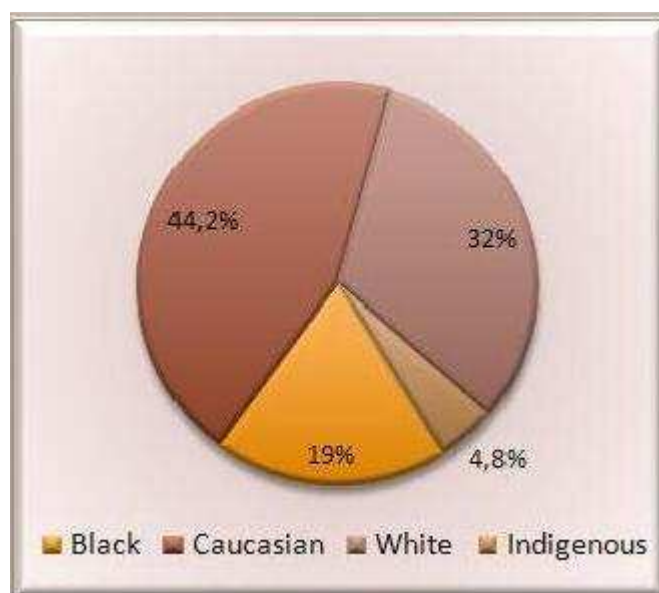
Source: OBSERVE 2010

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<sup>17</sup> The current structure of the Brazilian educational system includes regular basic education - kindergarten, elementary and secondary education. The kindergarten, first stage of basic education is offered in nurseries for children under 3 years old and in preschool for children 4-6 years. Elementary education lasts a minimum of eight years. The school, the final stage of basic education lasts a minimum of three years and meets the general education of the student and may include programs of general preparation for work and, optionally, a professional qualification. Higher education includes undergraduate courses in different areas, open to candidates who have completed high school or equivalent and have been classified as selective processes. Also part of this educational level post-graduate education, which includes masters and doctoral programs and courses. <http://www.educabrasil.com.br/eb/dic/dicionario.asp?id=173>

The distribution by colour followed the denomination used by the Brazilian Institute of Geography and Statistics - IBGE, namely, black, brown (or racially mixed), white and indigenous. Given the fact that colour is the major racialized characteristic in Brazil, we used it as an indicator for race, using self-ascription rather than relying on the interviewers' judgement. Following this criterion, the majority of the women participating in our sample classified themselves as non-white (black, racially mixed, and indigenous), which corresponded to 56.8% of our sample. White women represented the largest individual group (44.2%), but there were significant regional variations, the largest percentage of white women being present in the Mid-west (76%), and all the indigenous women being concentrated in the North, where they amounted to 22% of the respondents.

**Figure 08 - percentage distribution by race or color**



Source: OBSERVE 2010

As to marital status, 49.4% of the women who participated in the survey said they were unmarried, which does not mean living together or having a stable relationship with their partners, a situation that becomes clear when stating their relationship with the offender. 33.3% declared to be married, which does mean both being formally married, or living in a stable relationship with their partners.

**Figure 09 - Percentage distribution by marital status**

Source: OBSERVE 2010

As to the presence of children, the great majority - 88.7% - of the women interviewed affirmed they did have children. However, the number of children stated oscillates between one and nine children, 57.4% declaring to have one to two children and 36.3% three to four children.

The majority of the women (68.4%) exercise some form of remunerated activity, most of them regular employment (56.3%), performing various functions such as administration assistant, accounting assistant, kitchen assistant, commercial assistant, clerk, cashier, nursing assistant, nurse, social worker, teacher etc.. But there are also women who work in the informal labour market (24.1%), working as vendors, hairdressers, manicures, day labourers, laundresses, seamstresses, masseurs and decorators; 12.7% in our sample are domestic workers, whereas 5.1% are public employees. Their occupations fall within what has been often regarded as “female occupational ghettos”, not differing significantly from what has been observed for the female labor force in Brazil at large (Teixeira 2002). Some of the women interviewed (36.8%) receive state or federal welfare benefits and in some cases both - *Bolsa Família* (which is a Federal welfare benefit), pension or retirement benefits. Most women who receive these benefits live in the poor and impoverished areas of the country, 40.2% of them in the Northeast and 35.6% in the North.

Comparing our data with that compounded in regards to the profile of women who called “Ligue 180” during approximately the same period we conducted our interviews (first semester 2010), we find many similarities. In that profile, the majority of the women callers fell between 25 and 50 years old (67.3%), and had little schooling, 48.3% not having more

than an elementary education. Similarly to our findings, so too among these women close to 69% had same form of income, not depending on their spouses and partners (SPM 2010).

According to studies conducted by the World Bank and the Fundación Escuela de Manages Social, supposedly, the risk of physical abuse lowers as one moves up higher in the income brackets and the and educational level of women, such that economic independence and education of women act as mechanisms to inhibit violence (Deeke et al, 2009). However, although the profile of the women interviewed in our study matches that drawn by previous researches, including the data from “Ligue 180”, indicating that women from the poorer classes constitute the majority of those who seek DEAMs, this does not necessarily mean that women from other social segments and educational levels are less likely to experience domestic violence. In this regard, Izumino (2004) warns about the risk of incurring in stereotypes and points out that one reason for the predominance of the popular classes among users of the DEAMs is because the more privileged classes can count on other agents and/or services for conflict mediation in the private sector, such as lawyers, private doctors and therapists, and thus avoid public services. Indeed, violence affects both women from more privileged classes and grassroots women, only the means and / or resources used to deal with violence are diverse. Similar variation is to be found in different regions of the country; in the center and outskirts of big cities this pattern is not homogeneous, showing different characteristics (SANTOS & PASINATO, 2008). Nonetheless, data from our research suggest that Maria da Penha Law has produced shifts in this respect, that is, women from the more privileged classes are beginning to seek DEAMs and file complaints, denouncing domestic violence, exposing what has usually been hidden in the privacy of their homes.

### *In Search of Justice*

Breaking out of a situation violence is usually related to the type of access to information on institutional alternatives that a given society has to offer women. The implementation of Maria da Penha Law, and its wide dissemination by the media, gave greater visibility to domestic violence experienced by women, increasing the prospect that they may find support in the Law. In a certain way, this fact has contributed to women who seek justice to denounce their abusers.

The Brazilian criminal justice system is formed by the civil police, prosecutor office, public defender and the judiciary. As previously noted, DEAMs, as organs of the Civil Police, function as gateway to justice in the country, standing as the institution most in demand by women who seek help in breaking with a situation of violence.

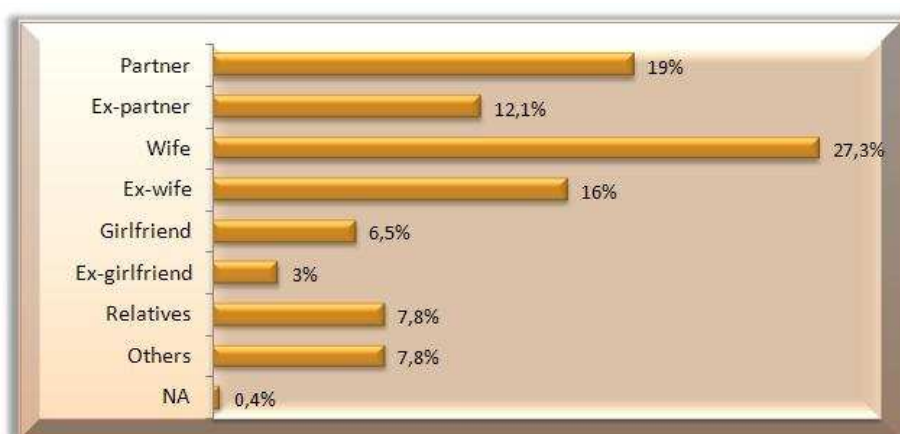
Of the 231 women who took part in the survey, 137 (59.3%) were seeking the DEAM for the first time, while 94 (40.7%) had already been in that precinct in another occasion(s). In large

part, women who have previously sought the police did so more than a year before, in general, to file a complaint against the same offender. This indicates that there are possible failures in the proceedings and services provided, preventing women from breaking with the cycle of violence in their lives.

As stipulated in the Technical Norms of Standardization (2006, revised in 2009), DEAMs must provide assistance to women in situations of gender violence. This means that the DEAMs should not only investigate crimes related to domestic violence, defined in Law Maria da Penha, but all gender violence in which the victim is a woman. Thus we find, among the respondents women who suffered violence by partners, husbands or boyfriends, in past or current relationships, as well as relatives (stepson, in-laws, ex in-laws, son) and others (friend, client, co-worker, stranger, neighbor). As can be seen in Figure 10, there is a predominance of violence committed by husbands, former husbands and partners. The same result is found in all areas surveyed, except in two cities in the Southeast where the highest incidence is of women who experienced violence from their partners (43.3% São Paulo and Belo Horizonte 34.6%). It is observed, therefore, that the perpetrators are not strangers but individuals with whom the women maintain or have maintained a strong bond, ie is someone *close*, which reinforces the idea that this 'close person', that may have been a husband, boyfriend or relative, is dangerous (SOARES, SOARES, CARNEIRO 1996).

In this sense, Izumino (2004) reminds us that although violence against women should be thought of as a power relationship, it is a mistake to take this power as absolute or static, exercised only by men over women. The author believes that, instead, we must pay attention to the relational dynamics character, in which both men and women experience the exercise of power, albeit uneven.

**Figure 10 - Relationship with the Abuser**



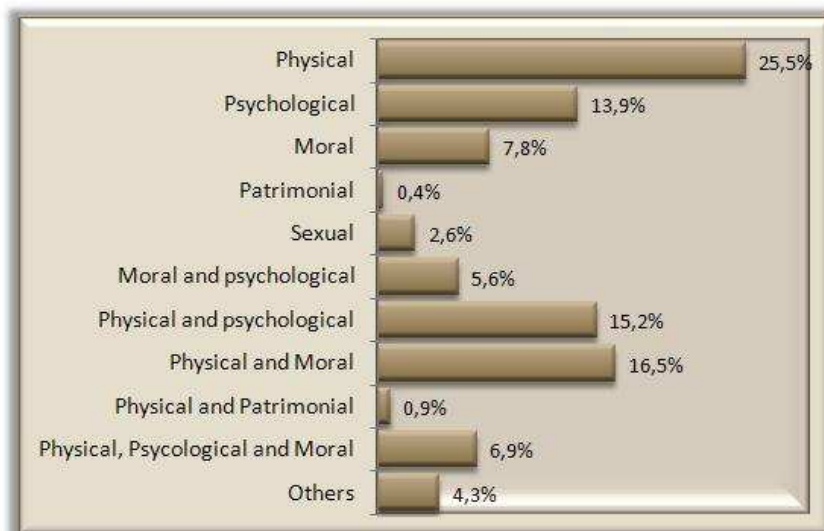
Source: OBSERVE 2010

Socio-cultural inequalities in gender relations tend to produce political and economic inequalities which, in turn, place women in an inferior position relative to men in different dimensions of human life (TELES & MELO, 2002). Thus, violence against women, in its different forms of expression, serves to ensure compliance and female subordination and usually arises when one or both parties involved in a relationship do not comply with the gender roles and/or functions expected.

Article VII in Maria da Penha Law classifies violence against women into five types: (1) *physical abuse* (any conduct that offends their bodily integrity or health); (2) *psychological violence* (any conduct that cause emotional damage and lower self-esteem or which disturb and undermine the full development or seeking to degrade or control actions, behaviours, beliefs and decisions, by threat, embarrassment, humiliation, manipulation, isolation, constant surveillance, harassment, insult, blackmail, ridicule, exploitation and restriction of the right to come and go or otherwise adversely affecting psychological health and self-determination); (3). *sexual abuse* (any conduct that constrains the woman into maintaining or participating in unwanted sexual intercourse, through intimidation, threat, coercion or use of force, or that leads to market or to use for gain in any way their sexuality, that prevents the victim from using any contraceptive method or force to marriage, pregnancy, abortion or prostitution through coercion, blackmail, bribery or manipulation; or to limit or nullify the exercise of their sexual rights and reproductive rights); (4) *patrimonial violence* (any conduct that involves retention, subtraction, partial or total destruction of your objects, tools, personal documents, goods, securities and rights or economic resources, including those designed to meet their needs); and (5) *moral violence* (any conduct that involves libel or slander). More precisely, it identifies the violence in the home or any other interpersonal relationship, where the perpetrator shares or has lived with the woman in the same household, including, among others, physical, psychological, sexual, moral and patrimonial violence (Law 11340/2006).

The conducts described in this Law are, in large part, criminally classified under the Brazilian Penal Code. Yet, despite difficulties in considering separately these forms of violence suffered by women - they generally overlap and reflect upon each other – we chose to use the classification of violence spelled out in Law 11,340, rather than the characterization established in the Penal Code. As such, in our study, among the complaints reported by the women physical violence predominated, whether considered separately or explicitly combined with psychological and moral violence, as shown in Figure 11 below.



**Figure 11 – Distribution of Types of violence**

Source: OBSERVE 2010

It is important to point that, in seeking the assistance of DEAMs, women do not necessarily intend to register a complaint. Sometimes, they simply seek information and guidance on how to proceed to secure their rights, especially those related their material possessions (or patrimony), from maintaining possession of the house in which live, to being able to receive alimony and/or child support, which implies gaining custody of their children. Others expect that the mere fact of coming to the police may serve to intimidate the abuser and put a stop, at least temporarily, on the attacks. As some of the women declared:

*This was the first time, so if he gets scared, maybe he will stop doing this to me or other women.*

*Because men get frightened. That is enough. When he learns that we complained, he becomes calmer and more thoughtful.*

*Because when men are told that we made the complaint, they are intimidated.*

*I have already denounced once. After that he spent some time without beating me. Until now, when it started all over again. I have lived with him for eight years and it has always been the same with the abuse. I do not know what it's like to live in peace and without violence.*

As noted earlier, previous studies have concluded that many women, in fact, do not always seek to realize their rights nor criminalize the violence suffered; they merely intend to "scare"

the partner (the threat of imprisonment) by the use of police authority in order to feel protected and therefore able to neutralize the imbalance of power between the parties (Brandão 2006, Debert and Oliveira 2007, Santos and Pasinato 2008, among others). However, in our study, more than 50% of the interviewed women expressed the desire to punish their abusers, believing that justice is the only path capable of stopping the aggressions and make the abuser understand that violence against women is a crime and that he deserves to be arrested for it.

**Table 7 - Time Span Between Abuse and Filing of Complaint**

<b>Period</b>	<b>Salvador</b>	<b>%</b>	<b>Northeast</b>	<b>%</b>	<b>All Respondents</b>	<b>%</b>
Immediately	0	0.0	16	21.3	59	24.2
Up to 3 days	8	32.0	15	20.0	35	15.2
Up to 6 mos.	3	12.0	9	12.0	39	16.9
Up to 3 yrs	5	20.0	11	14.7	38	16.5
Up to 8 yrs	4	16.0	7	9.3	21	9.1
More than 8 yrs	2	8.0	7	9.3	20	8.7
“Too Long”	3	12.0	8	10.7	14	6.1
No Reply	0	0.0	2	2.7	8	3.5
<b>Total</b>	<b>25</b>	<b>100.0</b>	<b>75</b>	<b>100.0</b>	<b>231</b>	<b>100.0</b>

Source: OBSERVE 2010

Approximately 40% of the women in the sample revealed that going to the police to file a complaint against their abusers was an attitude taken immediately after being assaulted (59 women went immediately to the police station and 35 one to three days after the event). However, there were significant local and regional variations. As seen on Table 07, for example, none of the respondents in Salvador, Bahia, sought help immediately, though 32.0% did so in up to 3 days from the event. Salvador also shows a relatively high percentage of women (16.0%) who have waited to up to 8 years before seeking justice. For the Northeast as a whole, this percentage (9.3%) was only slightly over the national average (9.1%), both nearly half of that shown for Salvador.

For a total of 34 women in our sample, the decision to address the DEAM took even longer, some of them more than 10 years, period in which they experienced constant violent acts. For many of them, the pursuit of justice was the last chance to escape this situation, after having exhausted all the possibilities and hope nurtured over the years, waiting for the partner to change, for the sake of love, family or by the abandonment of drug use, as it appears in the following statements:

*He has been beating me for some time. I hoped he would change but, as he doesn't stop drinking and does not want to get treatment, I came to get help.*

*I've lived with this for five years. But there comes a time when it is enough. After much thought and trying everything, I decided to press charges. I can't take it anymore.*

*I tried to solve this by myself. We made an agreement, but he did not accept the separation. So I made this decision because I need to take care of my life.*

*(...). I have lived with him for six years and he has always beaten me. But I always believed he would change. I was separated from him for six months and during those six months he got another woman pregnant. Then we got back together and he even went to church with me. But then he went back to her and started hitting me again. I could not stand it anymore. So I came to denounce this situation. If he is with her he has no right to pick at me like he is doing.*

*I have suffered his abuse for a long time. My husband began to beat me 20 years ago. I was afraid, now I have the courage. This is the first time in these 20 years that I came to the police. I came here to press charges. Solve this for once.*

*I decided to [come to the DEAM] because I cannot stand living with him and being assaulted verbally and physically, both my children and I. I'm tired, you know. We talk, discuss, I thought the problem was me, then I realized it wasn't, that it is the other person who becomes violent, and just inside the house because in the outside of the house every man is a girl. I came to confirm my complaint; on April 30 the papers were sent to the forum. The lawyer asked me to come here. I didn't have to press charges again, the complaint I made on March 3rd is enough. After that I did not press charges anymore. I should, but... Even if you come to the police station ten times, he is not going to serve 10 years, as the person in the police station explained, but he will answer for what he did. He has already come here to testify.*

*(...) When I lived with him, he used to beat me. He is a drug user, when he was drunk, he beat me. Drugs are bad. Addiction kills the person. I thought I could change it by love, family. He is a good person, but has the problem of addiction. When he is mad, he has to beat someone.*

As observed by Saffioti (1999), domestic violence happens in a relationship that can only be disrupted through external intervention because the woman finds it difficult to leave a violent partner. Until she can put an end to this relationship, the woman attempts to both leave and return, and can live with the aggressor for decades. That does not mean that the women does not react to violence, but that each woman uses different strategies to defend herself and presents a varied capacity to support and /or react to the violence perpetrated by her abuser, which highlights the complex nature involving violence (Grossi 1998). However, Saffioti believes that a relationship marked by violence, gender itself becomes a straitjacket: the man must attack, because the male has to dominate at any cost, while the "natural destination" for woman is to bear the attacks.

Referring to Duarte (1987), Brandão (2006) suggests that a major reason for a woman to denounce the offender is her disillusionment with the model of family. The failure of this ideal is attributed to physical and moral disturbances, caused by the partner and materialized through a set of male attitudes that women disapprove, such as unemployment, excessive use of alcohol and drugs, and abuse and infidelity, which prevent men from fulfilling their moral obligations to the family group.

### ***Women and DEAMs : care, guidance and information***

Women deposit, in the DEAMs, great hope of solving their problem, either through the impact of the denunciation on the offender, as already mentioned, or on the expectation that he will be punished by imprisonment. Unlike other police stations, they see the DEAMs for their supposed welcoming environment and justice for women or, as some of the interviewed women put it: "[...] it is the only police that supports the woman on this situation. The other simply think that we are beaten because we like it"; "[...] it is the only police station that helps women."

In some cases, especially among women living in the North, there is a strong belief that the authority invested in the person of the main “delegada” can put an end to the cycle of violence in which they live, and, as such, do their best to be served by her in person. As observed in some of the statements below:

*I hoped that the delegada would send someone to shake him up. I was very frustrated because I could not talk to her. But I'll come back tomorrow because I want to be heard directly by her(...) I will not give up until I talk to her personally.*

*I was not sure how it would be. I was afraid to come and he would get even more aggressive. I came to ask the delegada to speak to him so he could understand that what he does is violence.*

*(I came to) Press charges and came to know more about the protective measures. He hoped to speak with the delegada. They should have more delegadas to assist the victims.*

*When I arrived here I felt discouraged. In the end I talked to the delegada. She treated me very well. The delegada is great. The clerks are not. I had to register another complaint so I could talk to the delegada.*

Women, when seeking the police station, hope to register the complaint, but a large number of them are looking for protection or, specifically, to request protective measures. Even if not fully aware of what, in fact, are the "protective measures" described in Maria da Penha Law,

the interviewees know how they work and relate then to the Law, ie, associate such measures to the idea of security and ending violence provided by this legal instrument. Despite the expectation they nourish to get the protective measure at the police station, so as to remove the offenders from home or keep them away from their workplaces, it is important to note that only one city in the Southeast has been regularly forwarding the request for such measures - not coincidentally, this is the same city where recently there have been cases of crimes against women, with wide media coverage.

All expectation invested in the Women's Police to solve the situation is rapidly affected by the slowness with which the police inquiries are made and the delay in receiving a response, which jeopardizes the professional lives of the victims and their work. This interval between the moment of the denunciation and the hearing of the defendant (known as “audience” at the DEAMs) is experienced as a very stressful period for the women. The possibility of suffering another aggression that could lead to death is always considered by women and reinforced by numerous cases that have gone public. This is perhaps one of the reasons for not pursuing with the processes. The feeling of frustration is strongly present in the speech of the interviewees when asked what they hoped at the precinct:

*I thought it would be faster to solve the problem. It takes too long to receive assistance. I thought this should be faster in the case of a Police Station for Women.*

*I hoped I could address my problem quickly. I'm losing my day at work, I feel helpless with the services provided. They asked us to be back many times. That's why the waiting room is always crowded. It's people coming back two, three, four times to solve the same problem.*

*I expected more, the hearing was scheduled for September and by September he might have killed me. He drinks and walks around the street where I live, and I found out that he has been a drug user for a long time.*

*I hoped that justice would be done soon, but it was only after filing four complaints of abuse, and only after he tore me apart with his nails and broke my arm that he was finally summoned.*

Despite all the investment made by the State to prepare the teams at the DEAMs through training courses based on the gender perspective, qualifying employees to listen to the demands of women, and to understand the DEAM as part of a network of care services to women victims of violence, there are still many unprepared people to lead the sessions and inadequate procedures being performed. These procedures create a series of obstacles or even prevent women from fully accessing justice and realizing the rights provided by Maria da Penha Law.

The testimonies of some of the women interviewed expose the laziness and disregard with which calls are made, their stories and demands not heard, nor is the needed information concerning their rights and clarification of doubts offered them. Such behaviour on the part of the police prevents women from knowing their rights and from seeking other support services available to them. As obtained from the following comments on the part of the women interviewed:

*First, I wish they had listened to me. I did not say anything. I spoke the basics and done. I pressed charges and I spoke about the threat. Nobody knows the story. I wanted to have protection, they told me that he will be investigated and then that process will happen. Until then he will kill me (...) They filed the complaint, I said that he's threatening me and that's all. Should have told then that he tried to kill me once, but I was not supposed to talk about it. I was told that the complaint only addresses what happened at this time. I was told to seek a lawyer, go the children's court because I have a son with him, and I need to get custody of the child. I thought the mother would have custody. That's why so many women are dying, it's too slow.*

*I did not feel very welcomed nor very comfortable to say all I had to say. I was expecting a service with more explanation, different from those we are used in other common precincts. I wanted to explain to them that this is a dangerous man who was at my house on Sunday and took my washing machine to sell and buy drugs. And when I reacted, he said he would kill me. Do you understand? They did not understand that. Do they think he'll leave me alone until September? I'm disappointed.*

*I did not feel welcome. They are not concerned about us. Do just what is in the law. I think the DEAMs should have a psychologist, but it doesn't, it's only in the law. I did not feel well, it seems that we are the guilty ones. They think I did something to deserve this. They kept asking what did I do, what did he say ..The DEAM never welcomes us, it judges us, moreover, they are looking for reasons to excuse him. The DEAM is only good when you get all busted so they can arrest the person at once. This is not protection. I had thought about pressing charges on threat, but people told me that they would not believe me. DEAMs don't protect. When he is released, he may kill you because you have no protection. They arrest the person, he gets scared, but then the guy is released and scares us even more. I left just like I came in. I know nothing. No answers, don't know what to do. Just like four years ago when I first came here before. Men know that the DEAM won't do anything, they feel like the owners of power. Today, the woman goes through the same thing, living the same situation of aggression.*

Field notes recorded by local researchers during the study conducted by OBSERVE in DEAMs, confirm that the treatment offered women who come for information or to file complaints leaves much to be desired. One researcher described a situation in which, while carrying her observations in one week night, when the DEAM was rather empty, the psychologist that worked there had trouble talking to a woman who came to report the

violence suffered, because two of the police clerks joked around with each other so loudly, making it impossible for anybody around to carry on a conversation. In another occasion, in the same DEAM, two other agents demonstrated total disrespect and disregard towards victims, talking about them in a pejorative manner, referring to that “hysterical woman” and the like, in front of others, waiting for their turn. And during a visit during a period in which the Civil Police was on strike, but “plantões” had to continue in units such as the DEAMs, the door was kept shut (though not locked), and women driven away at the door with the excuse that it was “too crowded” inside.

Several of the other researchers reported similar circumstances, observing, as well, that, as a rule, agents offer very little information to the women and, not rarely, pass on the wrong information. In point of fact, the researchers often found themselves in the position of being the ones explaining to the women the procedures regarding the filing of complaints, getting protective measures, and the like, as the conversation with agents sometimes made issues even more clouded.

Indeed, the women included in our sample reported that the information given to them at the DEAMs was inadequate and insufficient. Worse still, what the women have reported indicates that they have been discouraged by police agents in regards to filing complaints, they are prevented from having access to their rights, and from having procedures provided by law enacted on their behalf. The story of a woman who has been suffering from physical and moral violence for six years from her partner, and only succeeded in denouncing it on the second attempt, is an example of this situation:

*It's been a year since I first came, but I did not register the complaint. I just heard the advice of the guy who assisted me. He said it was not a serious case that needed to be recorded. But this time I did it. (GM)*

The same discouragement was given to another woman who has been suffering from moral violence and threats by her partner for fifteen years, having just being driven away from her home:

*The police did not register the complaint and referred me to CHAME (Center for Humanitarian Support from Women's Commission for Protection of Women on Legislative Assembly of Roraima), because he said it was not anything serious and that the precinct only intervenes in more severe assaults.*

Article 16 of the Maria da Penha Law provides that the waiver of a claim can only occur, for certain crimes, before the court, in specially designated hearings. With this measure, the Law reaffirms the impossibility of conflict mediation or conciliation in police and judicial sphere (PASINATO, 2010). The testimonies below indicate that these clauses stipulated in Maria da Penha Law are being violated, showing that attempts at mediation and conciliation are still quite common:

*The complaint was filed and they asked me to call my husband to sign an agreement.*

*Nothing was done, nor the complaint registered because I had forgotten my documents. In another situation when I came and brought the documents, they would not register anything, just called him [the partner] to talk.*

*They said they would try to make a deal with him and if he does not want to stay away from me, the case goes to court and he may even be arrested.*

*They will bring him in and talk to him to explain that he will be arrested if he keeps doing this. Because he is not a drunkard, because he is a working man. They said that this is happening because people are telling him I'm having an affair with one of his friends.*

*They said that although I did not suffer physical violence, what my husband does to me is moral and psychological violence, but then is more difficult to turn it into a complaint. But they will call my husband here to talk if I want.*

*(...) They will call him [husband] to discuss and propose a deal.*

The long period that it usually takes for complaint proceedings to run their full course is very discouraging. In one DEAM visited in the Southeast, this is even more discouraging, because the information given is not clear. According to the law, women have a period of up to six months from the date they suffer violence to report it, but the information is given in such a confusing way, that they understand it to mean that there is a period of six months before the proceedings begin running their course. As per the following testimonies:

*They only registered the complaint and requested examination of corpus delicti. The only thing she told me is that I have six months to process him. That is why many women do not come. She comes home with the complaint, men are more nervous, they take six months to process and nothing happens. They didn't tell me if to represent I have to be back here or if I do not. I do not know if somebody will explain it to me during the exam.*

*I was hoping for more. It was nothing like they say, that solves the problem. I did not find protection. If I die, I'm dead, that's it. It takes six months for something to happen.*

*They filed the complaint and said I had a period of six months to file a lawsuit against him. Yesterday I called the police at 190, but they never show up. In the 112th Precinct I was told that they do not mess with these things, that this is a husband and wife problem.*



Even in the face of this situation, most of the women interviewed (70%) believe the DEAMs help to combat violence against women, arguing that the police can bring some "intimidation" and the possibility of abusers being charged and processed. But some of the respondents do realize that the denunciation of the perpetrators must be a collective action of all women who live this situation, and that it is only by seeking justice that it will be possible to stop the aggressive behaviour of men against women.

*I am sorry. Because before women were afraid to denounce violence; now they find support from the delegada. When I came here I was afraid, scared, afraid of being arrested. I was not used to it. My husband will be shocked when the police finds him. He never had problems with the police, but he will pay for what he did. I believe that the process will be ok. Justice is slow, the process is slow, but I'll wait. There are wives that come here one day and want the problem solved the next!*

*I think men get intimidated, afraid of being arrested. So we press charges, they try to change their behaviour.*

*I trust the strength of the delegada. When she talked hard to him he shook all over. I think he will think twice before raising a hand against me just by remembering the words of the delegada.*

*The other times I tried, it worked. The problem is that as we get rid of one bad man, we end up on the hands of another. If all women denounced them, they would change their behavior.*

*Because the more they are punished, the more men will rethink their sexist and violent attitudes. If nobody complains, they think they are ok.*

As Izumino (2004) points out, the increasing number of complaints of domestic violence filed in DEAMs indicates that women recognize the Police and Courts as spaces where they can exercise a form of "counter-power" and rebel against the image of passive victims of violence. However, this "counter-power" is relative, in that a filed complaint does not imply the criminalization of the offender, who can, once the police is gone and in face of impunity, go back to his violent means.

### ***Maria da Penha Law and the Network of Care Services to Women Victims of Violence***

Maria da Penha Law was created four years ago, but despite the initiatives of the federal government to make it accessible to the population, only relatively few of the women in our study – 33.8% - know the rights guaranteed by the law and, even those who have some notion, it only relates to protective measures. These percentages are even lower in certain cities such as Salvador, in the Northeast, where only 16% of the respondents affirmed

knowing how the new legislation operates. This not only suggests that preventive measures are lacking, but also indicates how much the new Law still needs in terms of publicity and dissemination among women, as evidenced by the statement below:

*I do not know very well to explain. I think it should be more publicized, more enlightened and we women should also seek more information to know more correctly our rights.*

It must be noted that even if little is known about Maria da Penha Law, this does not prevent the respondents to have ideas and / or create expectations about it, usually associated with the possibilities given by the law to end violence against women. Comments or allusions made by friends, relatives or neighbors make the women attribute to the legislation the power to protect them from aggression and also to punish their abuser. The women believe that the existence of this law guarantees them the right not to be abused, to move freely, to exercise a professional activity, receive alimony and offering them the possibility to remain at home with their children in a situation of violence, taking the abuser away. They also believe that the law acts as an instrument to curb violence against women, because of its punitive nature, since the aggressor can be arrested, becoming, therefore, *"a very good law for women who suffer from violent men."*

For some of the women, knowledge of Maria da Penha Law is acquired when they face situations of violence in their relationships: *"From so much beating, we end up knowing. What we only cannot guarantee is the fulfillment of these rights."* In other words, knowledge of the existence of the new Law, or even of the measures it provides, does not imply necessarily in agility in the services provided by DEAMs and other protective services. For this reason, women understand that the morose proceedings generate impunity by preventing the effective application of Maria da Penha Law. As one respondent affirmed: *"it does not work because the abuser will not be immediately arrested, it takes time and in this process he can even kill you."*

Furthermore, whereas the women interviewed have heard of Maria da Penha Law, from a total of 231 women, most (+ 60%) ignore the rights guaranteed by law. This demonstrates the need for greater dissemination of information regarding this important legal instrument among Brazilian women. Note that, in part, these observations go against the results of research conducted by Ibope / AVON (2010), whereby over 70% of the population heard claim to know the law, even if by hearsay, and have formed opinions about the content and impact of the Law. However, *knowing of* Maria da Penha Law, it different from really *knowing* the Law and the rights it guarantees, but just the fact that women have "heard" of a law that protects women from violence produces changes in the female population, that is, women feel safer to report the offender. To be sure, however, the increasing numbers of complaints filed still reflect women's hope that their abusive partners are frightened enough to change their behaviour. Thus, for many women, seeking justice at the DEAMs does not

necessarily mean the desire to break the relationship with the abuser, but find a way to contain the violence.

In our study, most of the women interviewed still ignore the implications of Maria da Penha Law, being as such short changed in their access to the rights that this law offers. Even if they are guided by others to denounce at the DEAMs the violence they suffered, their ignorance about the law prevents them from reacting against the delay and neglect experienced, and from having their needs met and their rights respected. This calls for urgent dissemination of information through national campaigns, schools, hospitals, and neighbourhood associations.

Ignorance about the role and tasks of DEAMs and the Courts, in turn, allows expectations to be created and, when confronted with reality, generate disappointment among women. Women believe that by filing a complaint they will be able to retrieve harmony to their conjugal relationship and / or keep the abusers away from home and work. They not only hope that the police will help them put an end to violence, but also that it will protect them. Yet, at the police station, the women are often re-victimized, leaving even more helpless, hopeless, and disrespected. In this case, it is imperative to promote policy-oriented training for operators of the Law, otherwise its applicability remains as it is - seriously compromised.

## V. CONCLUSION AND RECOMMENDATIONS

Twenty-five years have passed since the creation of the first Police Station for Women, in 1985. This public policy now occupies the foreground in public debates, particularly in what concerns mainstreaming gender in public policies. The contribution of DEAMs to giving social visibility to violence against women, as well as to women who decided to put a stop to violence in their lives is incommensurable. It is no wonder DEAMs are regarded by many as the major portal of access to women in a situation of violence. Sadly, however, the scarce numbers available about Police records and judicial processes show that women who seek justice through these services face enormous obstacles and their full access to justice is rarely realized.

To map the experiences and conditions of functioning of these police stations throughout the country and revise the available literature on these issues means to expose the failures of this public policy and the ills of police institutions. From a general perspective, we may affirm that police practices still reproduce gender inequalities and contribute to discrimination against women in their access to justice and exercise of citizenship rights. The final sensation could be summarized in the question: “what are DEAMs worth if they do not contribute to putting an end to violence in women’s lives?” Nonetheless, there are many positive elements in the history of DEAMs that should not be forgotten. For instance, it is necessary to consider that these police stations represent the first great achievement of feminist and women’s movements in the country towards universalizing women’s rights to a life without violence. This alone is enough to give us the incentive to continue fighting for improvements in this service. We must also consider that not all women see their expectations frustrated when they seek a DEAM. The diversity of models in the functioning of these organs and the assistance they offer include, for certain, successful experiences in assisting women, whether in giving due course to the needed police procedures, or in informing them of their rights and facilitating their access to other services and juridical instances. Other aspects support us in giving more substance to this argument.

First, it is necessary to take into consideration the fact that DEAMs – as other regular police stations – are only the “entryway” to the Criminal Justice system. The work which they carry out, undertaking police inquiries and protective measures, will only have continuity and positive results for the abused women if there is integration between the police and the other agents and organs that constitute this system: Prosecution Ministry, the Judiciary, as well as military and civil police. The more solid the contribution of DEAMs, more pressure will they be able to exert over the other organs of the system towards the recognition and realization of women’s rights. As such, it is not enough to transform just the DEAMS, but rather, the entire

network of the Criminal Justice system must be re-organized regarding the way in which it treats gender-based violence.

Second, and directly related to the previous point, one of the contributions that DEAMs can offer is through the execution of police proceedings of higher quality. Police inquiries and petitions for protective measures are the major instruments of police action under Maria da Penha Law. At present, the way in which they have been elaborated represent obstacles and do not contribute to secure that women advance through the flow of formal justice. To re-think these instruments, therefore, is a primordial task to guarantee women`s access to justice and to measures of placing responsibility on the abusers. Along with the training of the police force, changes in institutional practices should be part of the agenda of interventions in police activities in the application of Maria da Penha Law.

Third, domestic and family violence against women present a high degree of complexity; applying only measures of a repressive and penal character is not sufficient to guarantee the eradication of violence in our society. The formulation of inter-sectoral and integrated policies is fundamental to responding to women who live in a situation of violence. DEAMs are part of these policies and their integration with other services should proceed thoroughly, that is, through the organization of the flow of assistance and services that meet women`s needs and expectations, among them, police responses and criminal accountability.

Fourth and last, although little is still known about women`s expectations in relation to police/judicial intervention, there is enough information to affirm that, for women who live in a situation of violence, access to formal justice and the subsequent responsabilization of their abusers is only part of the responses they hope to obtain. Access to justice and realization of rights can gain different definitions among women, in perceptions that vary according to age, colour/race, social class, regional origin, religious affiliation, education level, among other factors that mold women`s experiences in contemporary Brazilian society. Thus, it is necessary to take into consideration that: not all women who live in situation of violence seek the police when they decide to get help to escape this situation. The decision to seek institutional assistance is not an easy one, involving back and forth journeys, with returns to the situation of violence and/or attempts to escape it through non-institutional means (through the help of friends, relatives, or religious institutions). A fundamental element in this process is that women should have access to information regarding their rights and that they be able, insofar as they deepen this knowledge and draw plans to escape violence, to develop empowering strategies.

In this manner, in addition to strengthening DEAMs as police organs, it is important to create the conditions for them to fully execute the attributions that were defined for them in Maria da Penha Law, that is, conditions to act in confronting violence, protecting rights and preventing more violence.

To describe and analyze the ways in which police has been acting in the application of Maria da Penha Law continues to be the best way to accumulate knowledge on the institutional dynamics of DEAMs. However, it is necessary to forge beyond and investigate as well how women who have been assisted perceive the effectiveness of the responses given. This is perhaps one of the major lapses in the study of DEAMs. Too few women have been heard in regards to the impact of institutional support had in their lives, while too much attention has been given to what police men and women and legal operators think. In our study, we also listened to the women, albeit, only relatively few. However, what we have learned renders support to Claudia Fonseca's observations in that this "differentiated listening" is of consequence, particularly for the formulation of solutions that should be faced (Fonseca 2006: 172).

It seems clear, however, that just as it took an organized campaign on the part of feminist and women's movements to formulate Maria da Penha Law and have it sanctioned, so too similar efforts should be directed towards monitoring the implementation and application of this Law to make it work for women.

### ***Recommendations***

The discussions carried it in this report point to some fundamental problems in the application of Maria da Penha Law in regards to women's access to justice through DEAMs: (1) the considerable lack of information of the part of the women as to their rights and legal procedures; (2) deficiency in the assistance delivered to them by DEAMs due to precarious physical resources, limited working hours, and poorly trained personnel; and (3) discontinuity in the proceedings of police inquiries and in issuing of protective measures. Our research in DEAMs has shown, as well, the lack of a culture of accountability, in terms of the keeping of systematic records and data for monitoring purposes. On the basis of these observations, we can then offer a few recommendations:

- Elaborate materials to expand and improve the dissemination of information about the available services, women's rights, and the different aspects of Maria da Penha Law in a more simple language;
- Distribute these materials widely through agencies in the network of services, as well as in schools, hospitals, community health clinics, churches, etc.
- Promote information campaigns through the media;
- Promote workshops of continued training to police officers, deputies and clerks, as well to personnel and professionals in other network agencies, focusing especially on those who have more direct contact with women who seek assistance;

- Promote training workshops for police officers, deputies and clerks on the new Technical Norms to DEAMs, and in the procedures for the effective application of Maria da Penha Law;
- Promote career re-structuring in the police force, offering special incentives for participation in training courses and workshops in the area of human rights with concentration on women's rights;
- Introduce obligatory courses on women's rights and Maria da Penha Law in curriculum of Law Schools and Police Academies;
- Promote the effective articulation of professionals and agencies that constitute the network of services to women in situation of violence, through the creation of committees and study groups;
- Promote the development of a "culture of accountability" in these services and agencies, developing and patterning instruments of systematic data collection.
- Promote and support initiatives from other governmental and non-governmental organizations in researching and monitoring the implementation and application of Maria da Penha Law.

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